



CONT P(MD)No.1449 of 2023

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 09.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

CONT P(MD)No.1449 of 2023

in

W.P(MD)No.6865 of 2017

S.Ramar

... Petitioner

vs.

1. Marimuthu,  
The District Elementary Educational Officer,  
Tuticorin, Tuticorin District.

2. G.Roseline Rajammal,  
The Block Educational Officer,  
Sathankulam,  
Tuticorin District.

... Respondents

**PRAYER:** Petition filed under under Section 11 of the Contempt of Court Act, 1971, to punish the contemnors/respondents herein for deliberate and willful disobedience of the order of this Court, dated 22.09.2022 in W.P.(MD)No.6865 of 2017.

For Petitioner : Mr.A.Ajith Geethan

For Respondents : Mr.D.Sadiq Raja,  
Additional Government Pleader



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## **ORDER**

This Contempt Petition is filed to punish the contemnors/respondents for willful disobedience of the order of this Court, dated 22.09.2022 in W.P.(MD)No. 6865 of 2017.

2. By Order, dated 22.09.2022, this Court directed the respondents to pass an order of approval from the date of initial appointment and the same is only for the sake of service benefits alone. Based on the Order of this Court, the respondents have already passed an order granting approval for the said period and it has been clarified in the Order that it is only applicable for the pensionary benefits alone. Aggrieved over the same, the petitioner has filed this contempt petition.

3. Therefore, this Court directed the respondents to clarify the benefits that would fall under the category of “service benefits”. And also clarify the benefits that would fall under the category of “monetary benefits”.



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4. The respondents have filed counter stating that the service benefits include Promotion, Pension, Leave benefits and medical facilities. Monetary benefits include Salary, Allowances and any other financial incentives provided by the Government.

5. The contention of the petitioner is that the respondents should re-fix the salary by including the period from 16.04.2009 to 01.06.2009, since this Court had directed to include the said period from 16.04.2009 to 01.06.2009. Once it is included then by adding the said period the petitioner is entitled to re-fixation of salary under the pay commission.

6. This Court is of the consider opinion that the “service benefits” include promotion, pension, leave benefits and medical facilities and hence the petitioner is not entitled to the claim of re-fixation of salary by including the said period. Moreover, this Court had granted the order only for personal benefits of the petitioner and at the same time the government should not incur any financial loss. If the claim of the petitioner is entertained then the government would have heavy financial burden. The petitioner is misinterpreting the order and the order is



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passed only for the sake of promotion, pension, leave benefits and medical facilities alone. Any kind of financial implications should not be shifted on the Government. Therefore, interpretation given by the petitioner is incorrect. Therefore, there is no contempt as alleged by the petitioner.

7. Accordingly, this Contempt Petition is closed.

Index : Yes / No  
Internet : Yes  
KSA

**09.02.2024**



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**S.SRIMATHY, J**

KSA

Order made in  
CONT P(MD)No.1449 of 2023

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