



Cont.P.No.888 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 04.09.2025

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

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A.Marimuthu

.. Petitioner

Versus

A L Prabhakar
Principal Chief Materials Manager
Southern Railway, New Joint Office
Aynavaram, Chennai – 600 023

.. Respondent

Prayer: Contempt Petition filed section 11 of the Contempt of Courts Act, 1971, to punish the respondent for wilful disobedience of the order of this court dated 20.09.202. in WP.No.16796 of 2022.

For Petitioner : Mr.K.Venkatramani, Senior Counsel
for Mr.M.Muthappan

For Respondent : Mr.AR.L.Sundaresan, ASG
for Mr.V.Chandrasekaran, SPC

ORDER

This contempt petition has been filed seeking to punish the respondents for wilful disobedience of the Order of this Court dated 20.09.202. in WP.No.16796 of 2022.

2. The petitioner was originally appointed as constable in Railway



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Protection Force on 25.09.1984. In the year 2013, due to accident, he was declared as not fit to carry out strenuous duties. On 10.07.2014, he met with another accident and sustained Bicondylar fracture in the left libia and the Medical Board recommended for alternative employment on medical ground in the medical classification-C1 and below with sedentary duties. Therefore, the petitioner sought for employment as per the Rights of Persons with Disabilities Act, 2016. The Chief Commissioner under the Rights of Persons with Disabilities Act, 2016 passed an order dated 06.02.2021 recommending the writ petitioner to secure and restore the pay-scale and other service benefits to the level at which he had already existed on the day before the petitioner was declared not suitable for the post he was holding just before acquiring disability. The said order was challenged before this Court in WP.No.16796 & 2022. This Court by order dated 20.09.2023 dismissed the petition and clearly held that the writ petitioner cannot be denied the pay scale and it is an obligation on the part of the respondent to protect the pay scale and service benefits to the petitioner who acquired disability during the employment. The said order is also confirmed in W.A.No.1864 of 2024. Hence, it is the contention of the writ petitioner that despite the order of this Court, the order has not been complied.

3. The learned counsel for the petitioner submitted that though the compliance has been filed as if the petitioner was given a grade pay of Rs.2400/-,



according to him, the petitioner was not posted as Senior Clerk, whereas, he has been posted as Junior Clerk.

4. The respondent has the compliance affidavit dated 21.07.2025 and the same reads as follows:

13. In strict and full compliance with the directions issued by this Hon'ble Court in its order dated 20.09.2023 in W.P. No. 16796 of 2022, and subsequently affirmed by the Hon'ble Division Bench in W.A. No. 1864 of 2024, the Respondent Railway Administration has undertaken the following corrective and remedial steps to ensure that the petitioner's rights under the Rights of Persons with Disabilities Act, 2016, as well as his entitlements under the MACP Scheme, are fully safeguarded:

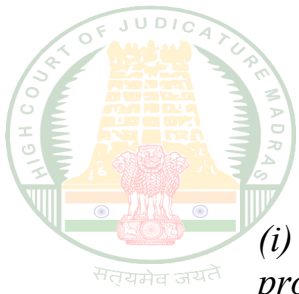
(1) Retrospective Cancellation of Absorption in Lower Grade Pay - The administrative order absorbing Shri A. Marimuthu as Junior Clerk in Grade Pay Rs. 1900/- w.e.f. 17.03.2017 has been formally cancelled with retrospective effect.

(2) The petitioner has been deemed to have continued on a supernumerary post 16.11.2013 to 28.02.2025. During this entire period, his pay and service benefits were and shall be treated as fully protected.

(3) All MACP entitlements were honoured, including the 3rd MACP in GP Rs. 4200/-. The petitioner's pay was fixed at the appropriate level corresponding to each upgradation, and the benefits thereof, including Basic Pay, Grade Pay, admissible Dearness Allowance, and other maintained in emoluments, were accordance with rules.

(4) No financial loss or denial of service benefits occurred. The petitioner superannuated on 29.02.2025. His pension and retirement benefits, including gratuity, leave encashment, and commutation of pension, have been computed strictly based on the last pay drawn in Grade Pay Rs. 4200/- (Level-6).

14. That upon a detailed and thorough review of the petitioner's complete service records-including pay fixation memorandum, MACP orders, medical board findings, post-absorption proceedings, and retirement-related documents-it is respectfully submitted as follows:



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(i) The petitioner has continuously and uninterruptedly drawn protected pay corresponding to his MACP entitlements. Following the grant of the 2nd MACP in Grade Pay Rs. 2800/- (Level-5) and the 3rd MACP in Grade Pay Rs. 4200/- (Level-6), his pay was fixed and regulated strictly in accordance with the MACP Scheme guidelines issued by the Department of Personnel & Training (DOPT). Even during the period of medical de-categorisation and subsequent absorption, his pay benefits were preserved through appropriate protection mechanisms. Thus, ensuring that his medical decategorisation has not resulted in any financial loss to the applicant and all pay and allowances are protected in the manner prescribed under RPWD Act and also as instructed by the Judgement of this Hon'ble Court. In this regard, a working sheet showing the pay actually drawn ("As Drawn" particulars) and the pay now due after full compliance with the Hon'ble Court's order is prepared and filed as annexure, evidencing that no financial or service-related detriment has been caused to the petitioner.

(ii) The petitioner has received all three promotion/financial upgradation envisioned under the Modified Assured Career Progression (MACP) Scheme. The petitioner was granted first financial upgradation to Rs.3200-4900/- on 1.10.1999. He was promoted to the post of Head Constable in Pay Scale Rs.5200-20200/- with Grade Pay Rs.2400/- on 21.12.2006. Since he had already completed 20 years regular service from his date of appointment, he was granted 2nd Financial Upgradation under MACP scheme on 01.09.2008 (i.e. from the date of introduction of MACP Scheme), and his pay was fixed in Pay Scale Rs.5200-20200/- with Grade Pay Rs.2800/-. The third MACP was granted upon completion of 30 years of qualifying service, on 20.06.2015 and his pay was fixed in Pay Scale Rs.9300-34800/- with Grade Pay Rs.4200/- These upgradations were extended in full conformity with the eligibility criteria and administrative instructions issued from time to time. As per Para a maximum of 28(B) of the MACP Scheme guidelines, are permitted during the three financial upgradations entire service tenure employee. Having of a Central Government already availed all three upgradations, no further financial upgradation is due or admissible in the present case.

(iii) There has been no financial loss, reduction in pay, or denial of any legitimate entitlement to the petitioner. This includes all components such as basic pay, grade pay, dearness allowance, and other fixed or variable emoluments. The petitioner's pay was duly



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restored and protected after his medical de-categorisation, and no reduction in pay was ever imposed. Furthermore, no recovery or adverse financial adjustment was carried out at any point.

(iv) The petitioner's pension and retirement benefits have been duly computed based on his last pay drawn in Grade Pay Rs. 4200/- (Level-6), in accordance with applicable rules and norms.

15. Further, it is humbly submitted that cancellation of his absorption as Junior Clerk in GP Rs. 1900/- and continuation on a supernumerary post has rectified the earlier violation under the RPWD Act regarding reduction of pay scale."

5. The learned Additional Solicitor General submitted that the order of this Court has been complied with, now the petitioner has filed another writ petition in WP.No.20384 of 2025 seeking for a direction to grant notional promotion to the petitioner as applicable to the persons with Benchmark disability employee, w.e.f. 21.12.2006 and grant of consequential seniority and promotion with monetary benefits. Now, the petitioner seeks other benefits and the same cannot be decided in the present contempt petition and thus, as the order of this Court has been complied with, the respondents have not committed any wilful disobedience to the order of this Court.

6. Heard both sides and perused the materials placed on record.

7. The grievance of the petitioner is that though he has no dispute with regard to his restoration of grade-pay at Rs.2400 which has also been clearly indicated in paragraph 13 of the compliance affidavit, he was not given the post of Senior Clerk. This Court is of the view that the grievance of the petitioner



seems to be with regard to the position as Senior Clerk, it is relevant to note that

while disposing the writ petition in WP.No.16796 of 2022, this Court has

recorded as follows:-

"10. It is an admitted case of the Petitioner that since there was no post available in Grade Pay of Rs.2,400/- which was the Grade Pay drawn by the 1st Respondent, at the time of medical decategorisation he was accommodated as Junior Clerk with Grade Pay Rs.1,900/-. In view of the above factual aspect the very act of the Writ Petitioner reducing the pay scale from Rs.2,400/- to Rs.1,900/- is not valid as per the Section 20 of the Rights of Persons with Disabilities Act, 2016.

11. In such a view of the matter, the Writ Petitioner cannot deny the Pay Scale and it is an obligation on the part of the Writ Petitioner to protect the pay scale and service benefits to the 1st Respondent who acquired disability during the employment. Even there is no alternative post available in the same Grade Pay, it is an obligation on the part of the Writ Petitioner to keep the 1st Respondent on a supernumerary post until suitable post is available or he attains the age of superannuation, whichever is earlier as per Section 20 of the Rights of Persons with Disabilities Act 2016."

8. Now, paragraph 13 of the compliance affidavit clearly indicate that as directed by this Court in paragraph 10, the grade pay has been restored. Now, the petitioner's grievance is that he has not been placed as the Senior Clerk, whereas, the same has been disputed by the respondent.

9. Such view of the matter, as the petitioner himself as filed another writ petition, now claiming certain other benefits which are the disputed facts cannot be gone into in this contempt petition. Since, substantial portion of the order has



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already been complied with, this Court is of the view that there is no wilful disobedience to the order of this Court by the respondent. It is needless to state that if at all the petitioner is not satisfied with the benefits, he can agitate the same in the fresh writ petition which he has already filed before this Court.

10. Accordingly, this contempt petition stands closed. No costs.

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N.SATHISH KUMAR, J.

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