



CONT.P(MD)No.136 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.08.2025

CORAM

THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

CONT.P(MD)No.136 of 2023

J.D.Lazarus Tychicus

... Petitioner

VS.

P.Shanmuganathan,
District Educational Officer,
Sivagangai, Sivagangai District.

... Respondent

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondent for willful disobedience of the order passed by this Court in W.P.(MD)No.5494 of 2018, dated 27.06.2022.

For Petitioner	:Mr.T.Pon Ramkumar
For Respondent	:Mr.D.Sadiq Raja
	Additional Government Pleader

ORDER

This Court vide order, dated 08.07.2025, passed the following order:

“Heard Mr.T.Pon Ramkumar, learned counsel for the petitioner and Mr.D.Sadiq Raja, learned Additional Government Pleader for the respondent.

2.The present Contempt Petition has been filed to punish the



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respondent/contemnor for non compliance of the judgment and order passed by this Court in W.P.(MD) No.5494 of 2018, dated 27.06.2022.

3.The Hon'ble Writ Court, vide judgment and order, dated 27.06.2022, was pleased to allow the aforesaid writ petition with the following directions:-

“3.The aforesaid decision in A.Masanamuthu's case (supra) was upheld by the Hon'ble Division Bench of this Court in W.A. (MD). No.442 of 2021, dated 08.07.2021. These decisions are squarely applicable to the petitioner's case and as such, the reason assigned by the respondents cannot be sustainable. Accordingly, the impugned order, dated 22.02.2018, is quashed. Consequently, there shall be a direction to the first respondent herein to award incentive increments to the petitioner for his M.Ed., and M.Phil., degree with effect from April 2000 and April 2007 respectively, with all attendant benefits and privileges, within a period of eight (8) weeks from the date of receipt of a copy of this order.”

4.Thereafter, the Co-ordinate Bench of this Court, vide judgment and order, dated 25.08.2023, in the present Contempt Petition bearing Cont.P.(MD) No.136 of 2023, had passed the following order:-

“According to the learned Additional Government Pleader, the petitioner would be entitled for one incentive increment for possessing higher educational qualification of M.Ed., however, for grant of incentive increment for possessing second higher qualification of M.Phil., G.O.Ms.No.42 dated 10.01.1969 does not permit such grant. In this background, he seeks time to extend incentive increment to the petitioner for possessing M.Ed., degree and for filing counter insofar as the claim for payment of M.Phil degree is concerned. Post after four weeks.” 5.The learned counsel for the petitioner submits that challenging the judgment and order passed in W.P.(MD) No.5494 of 2018, dated 27.06.2022, the respondent has preferred an appeal bearing W.A.(MD) No.2237 of 2024 before the Hon'ble Division Bench of this Court, which is still pending. He further submits that this is the ploy by the respondent to frustrate the judgment and order passed by the Writ Court, dated 27.06.2022 and so far, there is no interim order obtained by the respondent in the appeal filed by the respondent.

6.Thus, the learned counsel for the petitioner submits that the respondent/contemnor has wilfully and deliberately flouted the order



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passed by this Court and is in contempt of the judgment and order of this Court dated 27.06.2022. Thus, the respondent should be summoned and punished by exercising the powers under Sections 11 and 12 of the Contempt of Courts Act, 1971.

7.Mr.D.Sadiq Raja, learned Additional Government Pleader for the respondent prays this Court that one last opportunity may be given to the respondent to make compliance of the judgment and order made in W.P.(MD) No.5494 of 2018, dated 27.06.2022 and in Cont.P.(MD) No.136 of 2023, dated 25.08.2023 and the respondent will file a compliance affidavit, annexing a decision taken by him on or before the next date fixed.

8.Mr.T.Pon Ramkumar, learned counsel for the petitioner has no objection to the aforesaid prayer made by the learned Additional Government Pleader for the respondent.

9.Accordingly, after hearing the learned counsel for the parties, after perusal of the judgment and order made in W.P.(MD) No.5494 of 2018 dated 27.06.2022 and in Cont.P.(MD) No.136 of 2023, dated 25.08.2023 and also considering the request made by the learned Additional Government Pleader for the respondent/contemnor, as a last chance, this Court grants 10 days and no more further time to the respondent/contemnor either to get the appeal decided or get an interim order in the appeal or to make full compliance of the directions issued by this Court in W.P.(MD) No.5494 of 2018, dated 27.06.2022 and in Cont.P.(MD) No.136 of 2023, dated 25.08.2023 and to file an affidavit of compliance in this regard, annexing a decision taken by the respondent, failing which this Court will proceed to initiate contempt proceedings as against the respondent. The decision taken by the respondent, if any, shall also be communicated to the petitioner by the respondent through RPAD on or before the next date of hearing.

10.Put up this case 'for orders' on 24.07.2025 before this Court. Let a copy of this order be issued to Mr.D.Sadiq Raja, learned Additional Government Pleader for the respondent for its necessary compliance and information."



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2.Today, when the matter is being taken up, Mr.D.Sadiq Raja, learned

Additional Government Pleader for the respondent submits that against the judgment and order passed by the Writ Court, dated 27.06.2022, passed in W.P.(MD)No.5494 of 2018, the respondent had preferred a Writ Appeal before the Hon'ble Division Bench of this Court bearing W.A.(MD)No.2237 of 2024, which was finally allowed by the Hon'ble Division Bench by judgment and order, dated 28.07.2025 and the judgment and order passed by the Writ Court, dated 27.06.2022 passed in W.P.(MD)No.5494 of 2018 was set aside. Thus, he submits that the present Contempt Petition may be dismissed, as there is no cause of action in this case and the respondent may be discharged from the present contempt proceedings.

3.The learned Counsel for the petitioner also submits that the Writ Appeal preferred by the respondent against the judgment and order passed by the Writ Court in W.P(MD)No.5494 of 2018, dated 27.06.2022, was allowed by the Hon'ble Division Bench of this Court vide judgment and order, dated 28.07.2025. Thus, he submits that the present Contempt Petition may be dismissed and the respondent may be discharged from the present contempt proceedings.



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4. Accordingly, after considering the arguments, as advanced by the learned Counsel for the parties and after perusal of the judgment and order passed in W.A.(MD)No.2237 of 2024, dated 28.07.2025, this Court is also satisfied that no contempt is made out against the respondent and no useful purpose will be served in continuing the present contempt proceedings any further. Accordingly, the respondent is discharged from the present contempt proceedings and the present Contempt Petition is dismissed. The file is consigned to record. No order as to costs.

Index :Yes / No
Internet :Yes / No
NCC :Yes / No

20.08.2025

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To

The District Educational Officer,
Sivagangai, Sivagangai District.



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SHAMIM AHMED, J.

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