

CONT.P(MD)No.235 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.08.2025

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THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

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S.Sumathi

... Petitioner

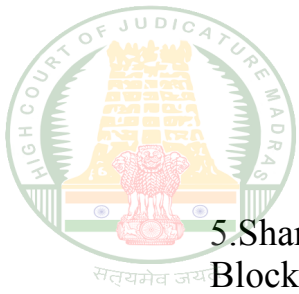
VS.

1.T.Udhayachandran,
Secretary,
The State of Tamil Nadu,
Department of Finance (Pension),
Fort St.George, Chennai – 600 009.

2.A.Archunan,
Commissioner,
Government Date Centre,
Guindy, Chennai – 600 025.

3.S.Kannappan,
Director of Elementary Education,
College Road, Chennai – 600 006.

4.Sivakumar,
District Educational Officer (Elementary),
(District Elementary Educational Officer),
Madurai, Madurai District.



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5.Shanthi,
Block Educational Officer,
(Assistant Elementary Educational Officer),
Kottampatti at Karunkalakudi,
Madurai District.

6.Sajahan,
Block Educational Officer,
(Assistant Elementary Educational Officer),
T.Vadipatti, Madurai District.

7.Poonkodi,
Headmistress,
Panchayat Union Middle School,
mannadimangalam, T.Vadipatti Union,
Madurai District.

... Respondents

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Court to punish the contemnors/respondents herein for their deliberate and willful disobedience of the order of this Court, dated 27.01.2020 in W.P. (MD)No.15123 of 2015.

For Petitioner :Mr.X.Xavier Rajini
For Respondents :Mr.M.Ajmal Khan
Additional Advocate General
assisted by Mr.D.Sadiq Raja
Additional Government Pleader



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ORDER

This Court, vide order, dated 20.06.2025, passed the following order:

“Heard Mr.S.Xavier Rajini, learned counsel for the petitioner and Mr.D.Sadiq Raja, learned Additional Government Pleader, who accepts notice for the respondents. Thus, there is no need to issue notice to the respondents.

2.The present Contempt Petition has been filed to punish the respondents/contemnors for non compliance of the judgment and order passed by this Court in W.P.(MD) No.15123 of 2015 dated 27.01.2020.

3.The Hon'ble Writ Court, vide judgment and order, dated 27.01.2020, was pleased to dispose of the writ petition bearing W.P.(MD) No.15123 of 2015 with the following directions:-

“8.The above decision is squarely applicable to this case, as in this case also the break-in-service was caused only due to the administrative act and there is no fault on the part of the petitioner. More over, it is seen that the cases of the similarly placed persons have been considered by the respondents subsequently and they were brought under Old Pension Scheme.

9.In view of the above, the impugned order dated 16.06.2015 is set aside and the respondents are directed to place the petitioner under Old Pension Scheme by treating her service as Secondary Grade Teacher in the 7th respondent school from 24.03.2003 and in the 8th respondent school as continuity of service, within a period of eight weeks from the date of receipt of a copy of this order. 10.This Writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed. ”

4.The learned counsel for the petitioner submits that challenging the judgment and order passed in W.P.(MD) No.15123 of 2015, dated 27.01.2020, the respondents have preferred an appeal in W.A.(MD) No.492 of 2020 before this Court, which was dismissed by the Hon'ble Division Bench of this Court, vide judgment and order, dated 30.08.2024, a copy of which is annexed in page No.67 of the paper book.

5.Thus, the learned counsel for the petitioner submits that in spite of the dismissal of the Writ Appeal, the respondents have not complied with the directions issued by this Court in W.P.(MD) No.15123 of 2015, dated 27.01.2020 and in W.A.(MD) No.492 of 2020, dated 30.08.2024. Thus, being no other alternative, the present Contempt Petition has been filed



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with the prayer that the respondents/contemnors have wilfully and deliberately flouted the order passed by this Court and are in contempt of the judgment and order of this Court dated 27.01.2020 and 30.08.2024. Thus, they should be summoned and punished by exercising the powers under Sections 11 and 12 of the Contempt of Courts Act, 1971.

6.Mr.D.Sadiq Raja, learned Additional Government Pleader, who took notice for the respondents, prays this Court that a last opportunity may be given to the respondents to make compliance of the order made in W.P.(MD) No.15123 of 2015, dated 27.01.2020 and in W.A.(MD) No.492 of 2020, dated 30.08.2024 and the respondents will file a compliance affidavit annexing a decision taken by them on the next date of hearing fixed.

7.Mr.S.Xavier Rajini, learned counsel for the petitioner has no objection to the aforesaid prayer made by the learned Additional Government Pleader for the respondents and submits that as the matter is of the year 2025, the respondents may be given one last opportunity to make compliance of the order dated 27.01.2020 and 30.08.2024.

8.Accordingly, after hearing the learned counsel for the parties, after perusal of the judgment and order made in W.P.(MD) No.15123 of 2015 dated 27.01.2020 and in W.A.(MD) No.492 of 2020, dated 30.08.2024 and also considering the request made by the learned Additional Government Pleader for the respondents/contemnors, as a last chance, this Court grants 15 days and no more further time to the respondents/contemnors to make full compliance of the directions issued by this Court in W.P.(MD) No.15123 of 2015, dated 27.01.2020 and in W.A.(MD) No.492 of 2020, dated 30.08.2024 and to file an affidavit of compliance in this regard, annexing a decision taken by them, failing which the respondents are directed to appear before this Court in person to justify as to why the aforesaid order has not been complied with and as to why contempt proceedings should not be initiated against them. The decision taken by them shall also be communicated to the petitioner by the respondents through RPAD on or before the next date of hearing.

9.Put up this case 'for orders' on 10.07.2025 before the appropriate Bench. Let a copy of this order be issued to Mr.D.Sadiq Raja, learned Additional Government Pleader for the respondents for its necessary compliance and information."



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2.Today, when the matter is being taken up, Mr.M.Ajmal Khan, learned Additional Advocate General assisted by Mr.D.Sadiq Raja, learned Additional Government Pleader for the respondents, in compliance of the order passed by this Court, dated 20.06.2025, produced a compliance affidavit annexing the copy of the order, dated 07.07.2025, passed by the second respondent and the copy of the order, dated 01.08.2025 passed by the Principal Accountant General (Accounts and Entitlements), Tamilnadu, and submits that the judgment and order passed by the Writ Court, dated 27.01.2020, has been complied with by the respondents. This fact has been stated in paragraph No.8 of the compliance affidavit, which is re-produced hereunder:

“8.In obedience to the order made in W.P.(MD)No.15123 of 2015 on the file of this Hon'ble Court dated 27.01.2020 the Director of Elementary Education, Chennai vide his communication made in Na.Ka.No.010792/C2/2015 dated 07.07.2025 sent the proposal to the Accountant General to place the petitioner under old pension scheme by treating her service as Secondary Grade Teacher from 24.03.2003 and thereto assign number for her. In pursuance to the same the office of the Principal Accountant General (Accounts and Entitlements, Tamilnadu vide order dated 01.08.2025 assigned new PTPF A/c No.655309/PFPF to the writ petitioner. Thus the order passed by this Hon'ble Court has been complied in letter and spirit.”



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3.The copy of the order, dated 07.07.2025, passed by the second respondent and the copy of the order, dated 01.08.2025 passed by the Principal Accountant General (Accounts and Entitlements), Tamilnadu, are taken on record. A copy of the said orders have also been given to the learned Counsel for the petitioner. Thus, the learned Additional Advocate General for the respondents submits that as the judgment and order passed by this Court has been fully complied with by the respondents, the respondents may be discharged from the present contempt proceedings and the present Contempt Petition may be disposed of.

4.Mr.S.Xavier Rajini, learned Counsel for the petitioner submits that he has also received the copy of the order passed by the second respondent, dated 07.07.2025 and the copy of the order, dated 01.08.2025 passed by the Principal Accountant General (Accounts and Entitlements), Tamilnadu, and submits that the respondents have made complied with the judgment and order passed by the Writ Court 27.01.2020 passed in W.P.(MD)No.15123 of 2025. Thus, he submits that he has no objection that the respondents may be discharged from the present contempt proceedings and the Contempt Petition may be disposed of.



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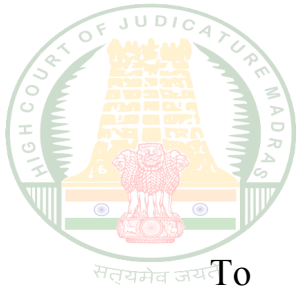
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5. After considering the arguments, as advanced by the learned Counsel for the parties and after perusal of the order passed by the Writ Court in W.P.(MD)No.15123 of 2025, dated 27.01.2020 and the order passed by the second respondent, dated 07.07.2025 and the order, dated 01.08.2025 passed by the Principal Accountant General (Accounts and Entitlements), Tamilnadu, this Court is also satisfied that the respondents have made fully complied with the directions issued by this Court and no useful purpose will be served in continuing the present contempt proceedings any further. Accordingly, the respondents are discharged from the present contempt proceedings and the present Contempt Petition is disposed of. The file is consigned to record. No order as to costs.

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

21.08.2025

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To

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Department of Finance (Pension),
Fort St.George, Chennai – 600 009.

2.The Commissioner,
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3.The Director of Elementary Education,
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4.The District Educational Officer (Elementary),
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7.The Headmistress,
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SHAMIM AHMED, J.

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