



Contempt Petition (MD)No.796 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.07.2025

CORAM:

THE HONOURABLE **MR.JUSTICE SHAMIM AHMED**

Contempt Petition (MD)No.796 of 2025

In

W.P.(MD)No.8790 of 2012

Mr.R.Vinoth Kumar,
S/o.K.Ramanathan,
2/78, P.M.Pudhupatti,
Kattankudi Post, Thiruchuli Taluk,
Virudhunagar District.
Now residing at,
2/78, P.M.Pudhupatti,
Kattankudi Post, Thiruchuli Taluk,
Virudhunagar District.

Petitioner/Petitioner

Vs

1.Mr.D.Karthikeyan,
The State of Tamil Nadu,
Represented by the Secretary to Government,
Education Department,
Fort St.George,
Chennai – 600 009.

2.Mr.A.Muniasamy,
The District Educational Officer,
As well as in-charge post of Secretary,
Aruppukottai Taluk,
Virudhunagar District.

Contemnor/Respondents 1 & 2



Contempt Petition (MD)No.796 of 2025

WEB COPY

PRAYER: Contempt Petition is filed under Section 11 of Contempt of Courts Act, to punish the Contemnors/Respondents 1 & 2 for willfully disobeying and not complying with the order passed by this Court in W.P(MD)No.8790 of 2012, dated 18.01.2017.

For Petitioner : Mr.V.R.Venkatesan

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

ORDER

This is a petition seeking initiation of contempt proceedings against the Respondents for alleged violation of the order, dated 18.01.2017 passed by the Writ Court in W.P.(MD)No.8790 of 2012.

2.Heard Mr.V.R.Venkatesan, learned counsel appearing for the Petitioner and Mr.D.Sadiq Raja, learned Additional Government Pleader, who accepts notice on behalf of the Respondents. Therefore, no further notice is required to be issued to the Respondents.



WEB COPY

3. This Court vide order dated 19.06.2025 passed the following order:

“Heard Mr.V.R.Venkatesan, 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) Nos.8790 and 4165 of 2012 dated 18.01.2017.

3.This Court, vide judgment and order dated 18.01.2017, had disposed of the writ petitions bearing W.P. (MD) Nos.8790 and 4165 of 2012 with the following directions:-

“13.In the result:

(a) this writ petition is allowed by setting aside the order passed by the 3rd respondent dated 08.06.2012;

(b) the 3rd respondent is hereby directed to submit a representation to the respondents 1 and 2 for the approval of the appointment of the petitioner as a physical Education teacher from the date of his initial appointment dated 24.05.2010 and for all consequential benefits within a period of 15 days from the date of receipt of a copy of this order.



WEB COPY



Contempt Petition (MD)No.796 of 2025

(c) the respondent 1 and 2 are hereby directed to consider the representation given by the 3rd respondent, the secretary, Hindu High School, Gopalapuram, Palayampatty Post, Virudhunagar District, within a period of four weeks from the date of receipt of the representation sent by the 3rd respondent, by giving personal hearing to the petitioner as well as the 3rd respondent and pass appropriate orders for approval of appointment and for all consequential benefits.

14.In view of the order passed in W.P.(MD)No.8790 of 2012, these Writ Petitions in WP.(MD)Nos.8155 of 2011 and 4165 of 2012 are closed."

4.The learned counsel for the petitioner submits that challenging the judgment and order passed in W.P.(MD) Nos.8790 and 4165 of 2012, dated 18.01.2017, the respondents have preferred with appeals in W.A.(MD) Nos. 1194 to 1196 of 2017 before this Court, which were dismissed by the Hon'ble Division Bench of this Court, vide judgment and order, dated 09.03.2021. Challenging the Division Bench judgment and order dated 09.03.2021, the respondents have preferred Spl.Leave.Petition.(Civil) Diary No.13503/2023 before the Hon'ble Supreme Court and the same was also dismissed on 04.07.2023, a copy of which is annexed in page No.131 of the paper book.



WEB COPY



Contempt Petition (MD)No.796 of 2025

5.Thus, the learned counsel for the petitioner submits that in spite of the dismissal of the Writ Appeals as well as the Special Leave Petition, the respondents have not complied with the directions issued by this Court in W.P. (MD) Nos.8790 and 4165 of 2012, dated 18.01.2017. Thus, being no other alternative, the present Contempt Petition has been filed 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 18.01.2017. 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 dated 18.01.2017 made in W.P.(MD) Nos.8790 and 4165 of 2012 and the respondents will file a compliance affidavit annexing a decision taken by them respondents on the next date of hearing fixed.

7.Accordingly, as per the assurance given by the learned Additional Government Pleader for the respondents/contemnors, as a last chance, this Court grants two weeks and no more further time to the respondents/contemnors to make full compliance of the directions issued by this Court in W.P.(MD) Nos.8790 and



WEB COPY



Contempt Petition (MD)No.796 of 2025

4165 of 2012, dated 18.01.2017, 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.

8.Put up this case 'for orders' on 07.07.2025 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."

4. Today, when the matter is being taken up, Mr.D.Sadiq Raja learned Additional Government Pleader for the Respondents, filed an affidavit of compliance along with the order dated 04.07.2025 passed by the Chief Educational Officer, Virudhunagar District and submits that the Respondents have complied with the order of the Writ Court dated 18.01.2017 passed in W.P.(MD)No.8790 of 2012. A copy of the compliance affidavit along with the order dated 04.07.2025 has been taken



WEB COPY

on record and the same has been furnished to the learned counsel for the Petitioner. Therefore, he prays that the Respondents may be discharged from the contempt proceedings.

5. The learned Additional Government Pleader for the Respondents further submits that the Respondents approved the appointment of the Petitioner with effect from 01.06.2010, since the Writ Court directed to grant approval with effect from 29.05.2010, but as that date was a holiday, the approval was granted after the institution reopened, i.e., on 01.06.2010.

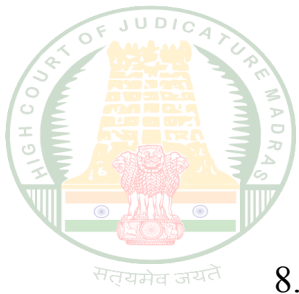
6. Mr.K.C.Ramalingam, learned counsel for the Petitioner submits that he has received a copy of the order dated 04.07.2025 along with compliance affidavit and submits that the direction issued by the Writ Court vide judgment and order dated 18.01.2017 passed in W.P.(MD)No. 8790 of 2012 has been complied with. The learned counsel has no objection to the submissions made by the learned Additional Government Pleader regarding approval of the Petitioner's appointment with effect from 01.06.2010. However, the Respondents have not granted corresponding



WEB COPY

monetary benefits from 01.06.2010 to June 2025. Therefore, he prays that this Court may direct the Respondents to pay the monetary benefits to the Petitioner from 01.06.2010 to June 2025 and also direct them to pay regular salary from July 2025 onwards. He has no objection to the Respondents being discharged from the contempt proceedings at this stage, if the monetary benefits and regular salary are paid as per the Petitioner's entitlement and applicable rules.

7. The learned Additional Government Pleader submits that once an order has already been passed by this Court, it is the duty of the Respondents to comply with the order. Thereafter, the Respondents may consider the petitioner's claim with respect to other monetary benefits. He also assures this Court that the monetary benefits will be paid from 01.06.2010 to June 2025, after completing other formalities, within a period of six weeks from today, and the regular salary will be paid as per the entitlement and applicable Rules without fail. Thus, he submits that the Respondents may be discharged from the contempt proceedings.



WEB COPY

8. The learned counsel for the Petitioner has no objection to the Respondents being discharged from the contempt proceedings at this stage.

9. Considering the submissions made by the learned counsel for the Petitioner and the learned Additional Government Pleader for the Respondents, and upon perusal of the order dated 04.07.2025 as well as the compliance affidavit, this Court is satisfied that the Respondents have complied with the judgment and order of the Writ Court dated 18.01.2017 passed in W.P.(MD)No.8790 of 2012. The learned Additional Government Pleader has also assured that the corresponding monetary benefits from 01.06.2010 till June, 2025 will be disbursed to the Petitioner within a period of six weeks from today and the regular salary will be paid to the Petitioner from the month of July 2025 without fail. In view of the assurance, this Court deems it appropriate to drop the contempt proceedings. Accordingly, the Respondents are discharged from the contempt proceedings at this stage.



Contempt Petition (MD)No.796 of 2025

WEB COPY

10. In view of the above, the Contempt Petition is **disposed of** at this stage, with a direction to the Respondents to disburse all monetary benefits to the Petitioner from 01.06.2010 to June 2025 within a period of six weeks from today, without fail, and regular salary will be paid to the Petitioner from July 2025 onwards without fail, as per the applicable Rules and entitlement. The file shall be consigned to the record. There shall be no order as to costs.

07.07.2025

Nsr

Index: Yes/No

Web: Yes/No

Speaking/Non Speaking



Contempt Petition (MD)No.796 of 2025

WEB COPY To:

- 1.The Secretary to Government,
The State of Tamil Nadu,
Education Department,
Fort St.George,
Chennai – 600 009.
- 2.The District Educational Officer,
As well as in-charge post of Secretary,
Aruppukottai Taluk,
Virudhunagar District.



WEB COPY



Contempt Petition (MD)No.796 of 2025

SHAMIM AHMED, J.

Nsr

Contempt Petition (MD)No.796 of 2025

07.07.2025