



Contempt Petition (MD)No.845 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2025

CORAM:

THE HONOURABLE **MR.JUSTICE SHAMIM AHMED**

Contempt Petition (MD)No.845 of 2025

In

W.P.(MD)No.19704 of 2018

Valliammai,
W/o.Sethuramalingam,
M98, Housing Board, TNHB Colony,
Phase-II, V.M.Chatram,
Maharaja Nagar (Post),
Tirunelveli – 627 011.

...Petitioner/Petitioner

Vs

1.Mr.J.M.Anto Ruban Dalmaida,
The District Educational Officer,
Thoothukudi Educational District,
Thoothukudi District.

2.Mr.Muthukumar,
The Block Educational Officer,
Karunkulam Union,
Thoothukudi Educational District,
Thoothukudi District,
Formerly Known as,
Additional Assistant,
Elementary Educational Officer,
Karunkulam Union,
Thoothukudi District.

...Contemnors/Respondents



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PRAYER: Contempt Petition is filed under Section 11 of Contempt of Courts Act, to punish the Contemnors/ Respondents for willfully disobeying and not complying with the order passed by this Court in W.P.(MD)No.19704 of 2018, dated 22.08.2022.

For Petitioner : Mr.P.M.Vishnuvarthanan

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

ORDER

This is a petition seeking initiation of contempt proceedings against the Respondents for violation of the order, dated 22.08.2022 passed by this Court in W.P.(MD)No.19704 of 2018.

2. Heard Mr.P.M.Vishnuvarthanan, learned counsel appearing for the Petitioner and Mr.D.Sadiq Raja, learned Additional Government Pleader who accepts notice on behalf of the Respondents.

3. When the matter was taken up on 10.06.2025, this Court passed the following order:



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“Heard Mr.P.M.Vishnuvarthanan, learned counsel for the Petitioner and Mr.D.Sadiq Raja, learned Additional Government Pleader, who accepts notice on behalf of the Respondents.

2.When the matter was taken up for hearing on 25.04.2025, this Court passed the following order:

“This Contempt Petition has been filed for non compliance of the judgment and order passed by this Court in W.P.(MD)No.19704 of 2018, dated 22.08.2022.

2.Heard Mr.P.M.Vishnuvarthanan, learned counsel for the petitioner and Mr.F.Deepak, learned Special Government Pleader for the respondents.

3.The learned counsel for the petitioner submits that, when the petitioner was denied for re-fixation of her salary as on 14.09.2007, on par with her Junior, namely, R.Meeriam, she, having no other alternative, filed W.P.(MD)No.19704 of 2018. The Co-ordinate Bench of this Court, vide judgment and order dated 22.08.2022, allowed the said writ petition. For better appreciation, the relevant portion of the order in W.P.(MD) No. 19704 of 2018 is reproduced herein below:

“4.Accordingly, the impugned order, dated



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31.07.2018, on the file of the second respondent is set aside. Consequently, there shall be a direction to the second respondent to pass appropriate orders, refixing the petitioner's salary as on 14.09.2007, on par with her Junior, namely, R.Meeriam, within a period of eight (8) weeks from the date of receipt of a copy of this order.”

4.Aggrieved by the order passed by this Court dated 22.08.2022 in W.P.(MD) No.19704 of 2018, the respondents filed Writ Appeal in W.A.MD)No. 1406 of 2023. The Division Bench of this Court, vide its judgment and order dated 01.09.2023, dismissed the said Writ Appeal, against which, the respondents preferred Rev.Aplw.(MD) No.81 of 2024 before this Court, which was also dismissed, vide judgment and order dated 01.09.2024.

5.The learned counsel for the Petitioner further submits that despite the judgment and order passed by the appellate Court in Rev.Aplw.(MD) No.81 of 2024, dated 01.09.2024 and in W.A.(MD) No.1406 of 2023, dated 01.09.2023 and the order passed by the Writ Court dated 22.08.2022 in W.P.(MD)No.19704 of 2018, the respondents have not complied with the directions of both Courts and they have wilfully and deliberately flouting the orders passed by both the Courts. Thus, the



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learned counsel submits that the respondents may be summoned and punished for committing contempt by exercising the powers under Sections 11 and 12 of the Contempt of Courts Act, 1971.

6.Mr.F.Deepak, learned Special Government Pleader has accepted notice for the respondents. Thus, there is no need to issue notice to the respondents.

7.Mr.F.Deepak, learned Special Government Pleader, prays this Court that one last opportunity may be given to the respondents to make compliance of the judgment and order passed by the Appellate Court in Rev.Aplw.(MD) No.81 of 2024, dated 01.09.2024 and in W.A.(MD)No.1406 of 2023, dated 01.09.2023 and the order passed by the Writ Court dated 22.08.2022 in W.P. (MD)No.19704 of 2018.

8.Accordingly, as prayed for by the learned Special Government Pleader for the respondents, as a last opportunity, four weeks and no more further time is granted to the respondents to make compliance of the judgment and order passed by this Court, dated 01.09.2024, 01.09.2023 and 22.08.2022. The respondents are directed to file a compliance affidavit in this regard, annexing the



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decision taken by them and communicate the decision to the petitioner within a period of one week thereafter.

9.It is made clear that if the respondents fail to comply with the judgment and order passed by this Court dated 01.09.2024, 01.09.2023 and 22.08.2022, they shall appear in person before this Court and file an affidavit justifying as to why the order has not been complied with.

10.Let a copy of this order be issued to Mr.F.Deepak, learned Special Government Pleader for its necessary compliance and information.

11.Put up this case 'for admission' on 10.06.2025 before the appropriate Bench.”

3.Today, when the matter is taken up for hearing, in compliance of the order passed by this Court, dated 25.04.2025, the respondents/contemnors are present before this Court and the second respondent/Mr.Muthukumar, presently serving as the Block Educational Officer, Thoothukudi District, has filed an affidavit, dated 09.06.2025, which is now taken on record, in which, it has been stated in paragraph No.7 that a proposal is pending before the higher authority, namely, the Director of Elementary Education,



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Thoothukudi and no order has been passed by the Director of Elementary Education so far.

4.It was further stated that once the financial concurrence is obtained, then necessary permission will be granted and immediately thereafter, the respondents will take necessary steps to implement the order passed by this Court in Cont.P.(MD) No.845 of 2025, dated 25.04.2025 and in W.P.(MD).No.19704 of 2018, dated 22.08.2022. The respondents now request four weeks time to ensure compliance of the judgment and order of this Court made in Cont.P.(MD) No.845 of 2025, dated 25.04.2025 and the order of the Writ Court dated 22.08.2022 in W.P.(MD)No. 19704 of 2018. They also assure this Court that whatever order is passed by this Court will be fully complied with without fail.

5.Mr.D.Sadiq Raja, learned Additional Government Pleader for the Respondents, also requests four weeks time to ensure compliance with the judgment and order of this Court made in Cont.P.(MD) No.845 of 2025, dated 25.04.2025 and the order of the Writ Court dated 22.08.2022 in W.P.(MD)No.19704 of 2018. He also assures this Court that whatever order is passed by this Court will be fully complied with without fail.

6.In view of the assurance given by Mr.D.Sadiq Raja, learned Additional Government Pleader for the



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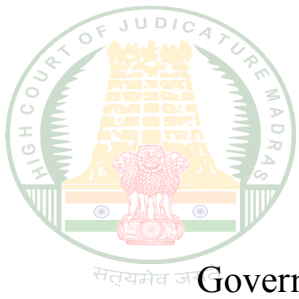
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Respondents, this Court grants the respondents a final opportunity to comply with the judgment and order of this Court made in Cont.P. (MD) No.845 of 2025, dated 25.04.2025 and the order of the Writ Court dated 22.08.2022 in W.P.(MD)No.19704 of 2018, without fail, within four weeks from today. The Respondents are directed to communicate the decision taken by them to the Petitioner and to file an affidavit of compliance in this regard within the aforesaid period. Failure to comply with the said order within the stipulated time frame will necessitate the Director of Elementary Education's personal appearance along with the respondents herein before this Court on the next date fixed to justify as to why the case is pending for so long time in spite of the repeated order of this Court.

7.Put up this case on 11.07.2025 “For Orders” before this Court.

8.Let a copy of this order be given to Mr.D.Sadiq Raja, learned Additional Government Pleader for its necessary compliance and information to the Respondents.”

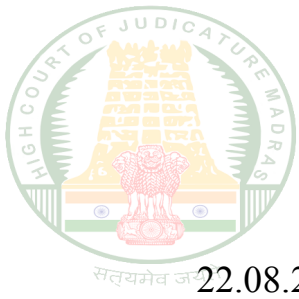
4. In compliance with the order dated 10.06.2025 passed by this Court in the present contempt petition, Mr.D.Sadiq Raja, the learned Additional



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Government Pleader for the Respondents, has produced an order dated 10.07.2025 passed by the 1st Respondent/The District Educational Officer (Elementary), Thoothukudi District along with the compliance affidavit and submits that the Respondents have complied with the orders passed by the Writ Court dated 22.08.2022 in W.P.(MD)No.19704 of 2018. The said fact has been stated in paragraph nos.7, 8 & 9 of the compliance affidavit. He further submits that the monetary benefits due to the Petitioner will be paid within a period of two weeks from today, after completing other formalities. A copy of the said order and the compliance affidavit has been taken on record and furnished to the learned counsel for the Petitioner. Thus, the Respondents have complied with the order of the Writ Court dated 22.08.2022 passed in W.P.(MD) No.19704 of 2018. Therefore, he prays that the Respondents may be discharged from the contempt proceedings.

5. Mr.P.M.Vishnuvarthanan, learned counsel appearing for the Petitioner, submits that he has received a copy of the order dated 10.07.2025 along with the compliance affidavit and submits that the direction issued by the Writ Court vide judgment and order dated



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22.08.2022 passed in W.P.(MD) No.19704 of 2018 has been complied with. However, in respect of monetary benefits, there is no mention in the order dated 10.07.2025. He further submits that, as assured by the Additional Government Pleader, the monetary benefits are to be paid by the Respondents to the Petitioner within two weeks. He has no objection to the Respondents being discharged from the contempt proceedings at this stage, and the contempt petition may be disposed of accordingly.

6. 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 10.07.2025, this Court is satisfied that the Respondents have complied with the judgment and order of the Writ Court dated 22.08.2022 in W.P.(MD)No.19704 of 2018. The learned Additional Government Pleader has also assured that the monetary benefits will be disbursed within a period of two weeks from today. In view of this assurance, this Court deems it appropriate to drop the contempt proceedings. Accordingly, the Respondents are discharged from the contempt proceedings at this stage.



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7. In view of the above, the Contempt Petition is **disposed of** at this stage with a direction to the Respondents to disburse the monetary benefits to the Petitioner within a period of two weeks from today, without fail. The file shall be consigned to the record. There shall be no order as to costs.

16.07.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To:

- 1.The District Educational Officer,
Thoothukudi Educational District,
Thoothukudi District.
- 2.The Block Educational Officer,
Karunkulam Union,
Thoothukudi Educational District,
Thoothukudi District,
Formerly Known as,
Additional Assistant,
Elementary Educational Officer,
Karunkulam Union,
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SHAMIM AHMED, J.

Nsr

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