



CONT.P(MD)No.862 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.07.2025

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THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

CONT.P(MD) No.862 of 2024

in

W.P.(MD) No.12523 of 2013

M.Chandrasekaran,
S/o.K.Murugesan,
No.9, Thaipriayan North Street,
Ramanathapuram,
Ramanathapuram District.

... Petitioner

vs.

1.J.Kumaragurubaran IAS,
The Principal Secretary to Government,
School Education (R2) Department,
Secretariat,
Chennai -9.

2.G.Arivozhi,
Director of School Education,
DPI Campus,
College Road,
Chennai -6.

... Respondents

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Court to punish the contemnors/respondents for the deliberate and wilful disobedience of the order dated 22.12.2023 passed by this Court in W.P.(MD) No.12523 of 2013, dated 22.12.2023



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CONT.P(MD)No.862 of 2024

For Petitioner :Ms.Afrin Fathima for
M/S.Ajmal Associates

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

ORDER

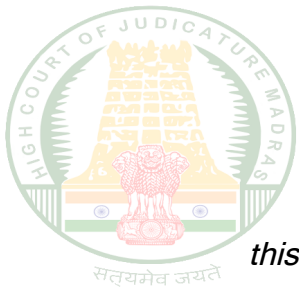
This Contempt Petition has been filed to punish the contemnors/respondents for wilfully disobeying and not complying with the order of the Hon'ble Writ Court passed in W.P(MD) No.12523 of 2013, dated 22.12.2023.

2.Heard Ms.Afrin Fathima for M/S.Ajmal Associates learned counsel for the petitioner and Mr.D.Sadiq Raja, learned Additional Government Pleader for the respondents.

3.This Court, vide judgment and order dated 24.06.2025, had passed the following order:-

“Heard Mrs.Saphna, learned counsel for the Petitioner and Mr.D.Sadiq Raja, learned Additional Government Pleader accepts notice on behalf of the Respondents. Therefore, no further notice is required to be issued to the Respondents.

2.The Contempt Petition has been filed for non compliance of the judgment and order passed by the Writ Court in W.P.(MD)No.12523 of 2013 dated 22.12.2023 and the learned Single Judge of this Court allowed the said Writ Petition in the following terms: “16. The re-fixation being contrary to the directions given by the Division Bench of



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this Court and borne out of the confusion treating the case of the petitioner as one covered by K.Parthasarathi's case, the said Government Order has been issued. When the Division Bench has categorically held that the inter se seniority between those appointed under Special Absorption Rules and those who were appointed on compassionate grounds should be on the basis of their initial appointment, the Government Order passed contrary to the same, necessarily, has to be interfered with. Accordingly, the impugned order in G.O.(2D).No.38, School Education (R2) Department dated 23.07.2009, insofar as it is contrary to the judgment of the Division Bench, is set aside and the Writ Petition in W.P.(MD). No. 12523 of 2013 is allowed. The Government shall pass a fresh order fixing the inter se seniority of the persons, those who were appointed under Special Absorption Rules and those who were appointed under compassionate grounds, according to their initial appointment and after re-working the same, a fresh seniority list shall be issued. Consequently, the impugned order dated 10.05.2018 is set aside and the Writ Petition in W.P.(MD).No.12037 of 2018 is allowed. 17. The learned counsel for the petitioner reports that apart from gratuity, no other retirement benefits have been settled to the petitioner on account of the pendency of the Writ Petitions.

18. I fail to understand as to how one is connected to the other. Therefore, there shall be a direction to the respondents to disburse the retirement benefits due and payable to the petitioner, if not already paid.

19. In the result, the Writ Petitions are allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed"



3.The learned counsel for the Petitioner further submits that despite the judgment and order passed by the Writ Court dated 22.12.2023 in W.P.(MD) No.12523 of 2013, the Respondents have not complied with the directions of this Court and they have wilfully and deliberately flouting the orders passed by this Court. Thus, the learned counsel submits that the Respondents are in contempt and they may be summoned before this Court and punished for committing contempt by exercising the powers under Sections 11 and 12 of the Contempt of Courts Act, 1971.

4.Upon perusing the judgment and order passed by this Court dated 22.12.2023 in W.P.(MD)No.12523 of 2013 as well as the affidavit filed in support of the contempt petition, which states that the Respondents have not complied with the orders of the Writ Court, this Court is of the view that the Respondents appear to have wilfully and deliberately disobeyed the order of the Writ Court. Consequently, this Court deems it necessary to initiate proceedings against the Respondents for their alleged non-compliance with the said orders.

5.Mr.D.Sadiq Raja, learned Additional Government Pleader for the Respondents, request time to ensure compliance with the judgment and order of the Writ Court dated 22.12.2023 in W.P.(MD)No.12523 of 2013. He also assure this Court that whatever order is passed by this Court will be fully complied with and requests ten days time to ensure compliance with the said order.

6.In view of the assurance given by Mr.D.Sadiq Raja, learned Additional Government Pleader for the Respondents 1 to 3, this Court grants the Respondents a final opportunity to comply with the judgment and order of this Court dated 22.12.2023 in W.P.(MD)No.12523 of 2013, without fail, within a period of ten days from today. The Respondents are directed to communicate the decision taken by them



CONT.P(MD)No.862 of 2024

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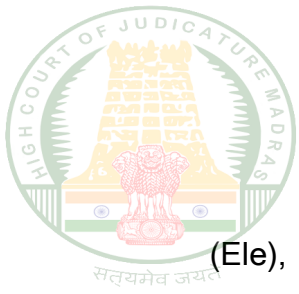
to the Petitioner and to file an affidavit of compliance in this regard within a period of ten days from today. Failure to comply with this order within the stipulated timeframe will require the Respondents to appear in person before this Court on the next date fixed to justify why the Writ Court's order has not been complied with.

7.Put up this case on 04.07.2025 "For Further 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.The learned counsel for the petitioner submits that despite the judgment and order passed by this Court in W.P.(MD)No.12523 of 2013, dated 22.12.2023, the respondents have not complied with the directions of this Court and have wilfully and deliberately flouted the order passed by this Court and are in contempt of the order of this Court dated 22.12.2023. Thus, they should be summoned and punished by exercising the powers under Sections 11 and 12 of the Contempt of Courts Act, 1971.

5.Today, when the matter is taken up, Mr.D.Sadiq Raja, learned Additional Government Pleader for the respondents, in compliance of the judgment and order made in W.P.(MD)No.12523 of 2013, dated 22.12.2023, has filed a copy of the compliance affidavit of the second respondent, dated 04.07.2025, annexing a copy of the order of the District Educational Officer,



CONT.P(MD)No.862 of 2024

(Ele), Ramanathapuram, dated 11.07.2025 along with payment details, in which, it has been stated that the direction issued by this Court, vide judgment and order dated 22.12.2023, in W.P.(MD) No.12523 of 2013 has been complied with and as per the directions of this Court, the petitioner was paid with the entire terminal benefits. In paragraph No.5 of the compliance affidavit, the aforesaid fact has been clearly stated as follows:-

“5.I respectfully submit in pursuance to the order passed by this Hon'ble Court Death cum Retirement gratuity amount has been paid as follows:-

No	Details	Amount
1	Gratuity	Rs.16,93,989/-
2	Commutation	Rs.11,84,853/-
3	Special Provident Fund	Rs.42,408/-
4	Encashment of earned leave and unearned leave on private affairs	Rs.11,30,487/-
5	General Provident Fund	Rs.3,23,391/-
		Rs.43,75,128/-

6.A copy of the compliance affidavit filed by the second respondent, dated 04.07.2025, is produced before this Court, which is now taken on record and a copy of the same has also been given to the learned counsel for the petitioner. Thus, the learned Additional Government Pleader for the respondents submits that the respondents may be discharged from the present contempt proceedings and the present Contempt Petition may also



CONT.P(MD)No.862 of 2024

be disposed of, as the judgment and order of this Court in W.P.(MD) No. 12523 of 2013, dated 22.12.2023 has been complied with by the respondents and the entire terminal benefits has already been paid to the petitioner.

7.Ms.Afrin Fathima for M/S.Ajmal Associates, learned counsel for the petitioner submits that she has received a copy of the compliance affidavit of the second respondent, dated 04.07.2025, annexing a copy of the order of the District Educational Officer, (Ele), Ramanathapuram, dated 11.07.2025 along with payment details and submits that the respondents have not disbursed the amount to the petitioner as per the judgment and order of this Court in W.P. (MD) No.12523 of 2013, dated 22.12.2023. Thus, she prays this Court that the petitioner may be given liberty to challenge the same before the competent Court of law, if the petitioner is aggrieved with the amount paid to him. However, she has no objection, if the respondents are discharged from the contempt proceedings, as the judgment and order of this Court dated 22.12.2023 has been complied with by the respondents.

8.Accordingly, in view of the submissions made by the learned counsels for the parties and after perusal of the judgment and order made in W.P.(MD) No.12523 of 2013, dated 22.12.2023 and the compliance affidavit of the second respondent, dated 04.07.2025, annexing a copy of the order of the District Educational Officer, (Ele), Ramanathapuram, dated 11.07.2025



CONT.P(MD)No.862 of 2024

along with payment details and also considering the fact that the petitioner was paid with the terminal benefits, this Court satisfied that the direction issued by this Court in W.P.(MD) No.12523 of 2013, dated 22.12.2023 has been fully complied with by the respondents and thus, no useful purpose will be served in continuing the present contempt proceedings against the respondents.

9.Accordingly, the Contempt Petition is finally disposed of with liberty to the petitioner to challenge the aforesaid order before the competent Court of law, if he so desires and the respondents are discharged from the present contempt proceedings. No costs. The file is consigned to record.

Index :Yes / No
Internet :Yes / No

18.07.2025

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To

1.The Principal Secretary to Government,
School Education (R2) Department,
Secretariat,
Chennai -9.

2.Director of School Education,
DPI Campus,
College Road,
Chennai -6.

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CONT.P(MD)No.862 of 2024

SHAMIM AHMED, J.

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CONT.P(MD) No.862 of 2024

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