



CONT.P(MD)No.1304 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2025

CORAM

THE HONOURABLE MR.JUSTICE **SHAMIM AHMED**

CONT.P(MD) No.1304 of 2025

in

W.P.(MD) No.6564 of 2017

P.Ganapathy,
S/o.Patta Konar,
18, Yadava West Street,
Palayamkottai,
Tirunelveli-2,
Tirunelveli District.

... Petitioner

vs.

1.N.Sayee Subbulakshmi,
District Educational Officer,
Cheranmahadevi Educational District,
Tirunelveli Town,
Tirunelveli District.

2.Dr.S.Inbaraj,
Secretary,
P.L.W.A. Higher Secondary School,
V.K.Puram,
Tirunelveli District.

... Respondents

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Court to punish the contemnors/respondents for the wilful disobedience and violating the order of this Court in W.P.(MD) No.6564 of 2017, dated 13.08.2024.



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For Petitioner :Mr.V.Kannan

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

ORDER

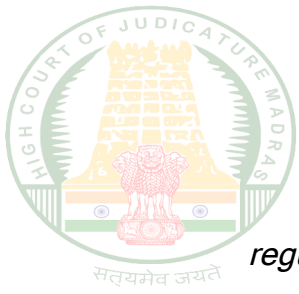
This Contempt Petition has been filed to punish the contemnors/respondents for wilfully disobeying and not complying with the order of this Court passed in W.P(MD) No.6564 of 2017, dated 13.08.2024.

2.Heard Mr.V.Kannan, learned counsel for the petitioner and Mr.D.Sadiq Raja, learned Additional Government Pleader for the respondents.

3.The Hon'ble Writ Court, vide judgment and order dated 13.08.2024, had disposed of the aforesaid writ petition with the following directions:-

“7. At this juncture, the only limited relief that could be granted to the petitioner is to direct the fifth respondent School to consider the petitioner's representation dated 21.02.2017 seeking to regularize the period of suspension as 'period of duty', on merits and in accordance with law, within a time frame to be fixed by this Court. Only thereafter, the question of approval of the petitioner's request for acceptance of voluntary retirement can be considered by the fourth respondent, based on the proposal submitted by the fifth respondent School.

8.No prejudice will be caused to the respondents, if the representation of the petitioner with regard to his request for



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regularization of the period of suspension is considered on merits and in accordance with law, within a time frame to be fixed by this Court.

9. For the foregoing reasons, this Court directs the fifth respondent to pass final orders, on merits and in accordance with law, on the petitioner's representation dated 21.02.2017 seeking for regularization of the period of suspension as 'period of duty' within a period of eight weeks from the date of receipt of a copy of this order. In the event of the fifth respondent coming to the conclusion that the period of suspension of the petitioner can be regularized, fifth respondent is directed to submit a proposal to the fourth respondent for acceptance of the pension proposal and on receipt of the said proposal, the fourth respondent shall pass final orders on merits and in accordance with law.

10. With the aforesaid direction, the Writ Petition stands disposed of. No costs."

4. Thereafter, this Court, vide order dated 19.06.2025, had passed the following order:-

"Heard Mr.V.Kannan, learned counsel for the Petitioner and Mr.D.Sadiq Raja, learned Additional Government Pleader accepts notice on behalf of the 1st Respondent. Therefore, no further notice is required to be issued to the 1st Respondent.

2. This Contempt Petition has been filed for non compliance of the judgment and order dated 13.08.2024 passed in W.P.(MD)No. 6564 of 2017 and the learned Single Judge of this Court disposed of the said Writ Petition in the following terms:

"7. At this juncture, the only limited relief that could be granted to the petitioner is to direct the fifth respondent School to consider



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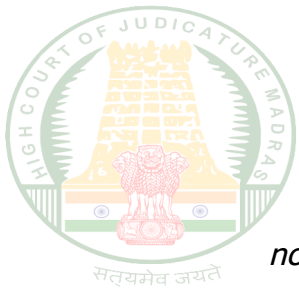
the petitioner's representation dated 21.02.2017 seeking to regularize the period of suspension as 'period of duty', on merits and in accordance with law, within a time frame to be fixed by this Court. Only thereafter, the question of approval of the petitioner's request for acceptance of voluntary retirement can be considered by the fourth respondent, based on the proposal submitted by the fifth respondent School.

8. No prejudice will be caused to the respondents, if the representation of the petitioner with regard to his request for regularization of the period of suspension is considered on merits and in accordance with law, within a time frame to be fixed by this Court.

9. For the foregoing reasons, this Court directs the fifth respondent to pass final orders, on merits and in accordance with law, on the petitioner's representation dated 21.02.2017 seeking for regularization of the period of suspension as 'period of duty' within a period of eight weeks from the date of receipt of a copy of this order. In the event of the fifth respondent coming to the conclusion that the period of suspension of the petitioner can be regularized, fifth respondent is directed to submit a proposal to the fourth respondent for acceptance of the pension proposal and on receipt of the said proposal, the fourth respondent shall pass final orders on merits and in accordance with law.

10. With the aforesaid direction, the Writ Petition stands disposed of. No costs. "

3. The learned counsel for the Petitioner further submits that despite the judgment and order passed by this Court dated 13.08.2024 in W.P.(MD)No.6564 of 2017, the Respondents have



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not complied with the directions of the Writ 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 13.08.2024 in W.P.(MD)No.6564 of 2017 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 1st Respondent, request time to ensure compliance with the judgment and order of the Writ Court dated 13.08.2024 in W.P. (MD)No.6564 of 2017. He also assure this Court that whatever order is passed by this Court will be fully complied with and requests two weeks 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 Respondent, this Court grants the Respondent a final opportunity to comply with the judgment and order of this Court dated 13.08.2024 in W.P.(MD)No. 6564 of 2017, without fail, within two weeks from today.



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7. Accordingly, let notice be issued to the 2nd Respondent by RPAD within a week. The office shall take steps to send the notice within one week from today and proceed accordingly. Further, the learned counsels for the petitioner is directed to serve notice on the 2nd Respondent. Upon receipt of the notice, the 2nd Respondent is granted two weeks time, as a last opportunity, to comply with the judgment and order passed by the Writ Court on 13.08.2024 in W.P. (MD)No.6564 of 2017.

8. 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 a period of two weeks from today. Failure to comply with the said order within the stipulated time frame will necessitate the Respondents personal appearance before this Court on the next date fixed and explain as to why the judgment and order of the Writ Court has not been complied with.

9. Put up this case on 17.07.2025 "For Orders" before this Court.

10. Let a copy of this order is given to Mr.D.Sadiq Raja, learned Additional Government Pleader for its necessary compliance and information to the Respondents 1 and 2."

5.The learned counsel for the petitioner submits that despite the judgment and order passed by this Court in W.P.(MD)No.6564 of 2017, dated 13.08.2024, the respondents have not complied with the directions of this



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Court and have wilfully and deliberately flouted the order passed by this Court and are in contempt of the order of this Court dated 13.08.2024. Thus, they should be summoned and punished by exercising the powers under Sections 11 and 12 of the Contempt of Courts Act, 1971.

6.Today, when the matter is taken up, Mr.D.Sadiq Raja, learned Additional Government Pleader for the respondents has filed an affidavit of compliance of the first respondent, dated 17.07.2025, annexing a copy of the decision taken by the first respondent, dated 01.07.2025, in which it has been stated that the direction issued by this Court, vide order dated 13.08.2024, in W.P.(MD) No.6564 of 2017 has been fully complied with and the suspension was regularized as period of duty and all other leaves obtained by the petitioner were also regularized and a pension proposal along with service register was also sent to the Accountant General, vide communication dated 01.07.2025 by the District Educational Officer (Secondary), Tirunelveli.

7.In paragraph No.6 of the compliance affidavit, the aforesaid fact has been clearly stated, which reads as under:-

“ 6.In obedience to the order made in W.P.(MD).No.6564 of 2017 dated 13.08.2024 proposal was sent by the school. In pursuance to the same, suspension was regularized as period of duty and all other leaves obtained by the petitioner were also regularized. There after the pension proposal along with service



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register was sent to Accountant General vide communication made in Na.Ka.3138/AA1/2025 dated 01.07.2025 by the District Educational Officer(Secondary), Tirunelveli. Thus the order has been complied in letter and spirit.”

8.A copy of the compliance affidavit filed by the first respondent, dated 17.07.2025 has been 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.

9.Thus, the learned Additional Government Pleader for the respondents submits that the respondents may be discharged from the present contempt proceedings, as the judgment and order of this Court in W.P.(MD) No.6564 of 2017, dated 13.08.2024 has been fully complied with by the respondents, vide order dated 01.07.2025.

10.MrV.Kannan, learned counsel for the petitioner submits that he has received a copy of the compliance affidavit filed by the first respondent, dated 17.07.2025, annexing a copy of the decision taken by the first respondent dated 01.07.2025 and has no objection, if the respondents are discharged from the contempt proceedings, as the judgment and order of this Court dated 13.08.2024 has been complied with by the respondents, vide order dated 01.07.2025. He further submits that the petitioner's suspension period was



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regularized as period of duty and all other leaves obtained by the petitioner were also regularized and a pension proposal along with service register was also sent to the Accountant General, vide communication dated 01.07.2025 by the District Educational Officer (Secondary), Tirunelveli.

11. 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.6564 of 2017, dated 13.08.2024 and the compliance affidavit filed by the first respondent, dated 17.07.2025, annexing a copy of the decision taken by the first respondent dated 01.07.2025 and also considering the fact that the petitioner's suspension period was regularized as period of duty and all other leaves obtained by the petitioner were also regularized and a pension proposal along with service register was also sent to the Accountant General, vide communication dated 01.07.2025 by the District Educational Officer (Secondary), Tirunelveli, this Court satisfied that the direction issued by this Court in W.P.(MD) No.6564 of 2017, dated 13.08.2024 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.



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WEB COPY 12. Accordingly, the Contempt Petition is finally disposed of and the respondents are discharged from the present contempt proceedings. No costs. The file is consigned to record.

Index :Yes / No
Internet :Yes / No

17.07.2025

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To

1. District Educational Officer,
Cheranmahadevi Educational District,
Tirunelveli Town,
Tirunelveli District.

2. Secretary,
P.L.W.A. Higher Secondary School,
V.K.Puram,
Tirunelveli District.



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SHAMIM AHMED, J.

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