



Contempt Petition (MD)No.1662 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2025

CORAM:

THE HONOURABLE **MR.JUSTICE SHAMIM AHMED**

Contempt Petition (MD)No.1662 of 2025

In

W.P.(MD)No.11998 of 2014

G.Maria Antony Michael,
12/25, Rajendra Nagar,
1st Street, Palayamkottai,
Tirunelveli – 627 002.

Petitioner/Petitioner

Vs

1.Tmt.Kalyani,
Additional Assistant Elementary Educational Officer,
(Now known as Block Educational Officer),
Palayamkottai, Tirunelveli District.

2.Mr.D.Jaisankar,
Accountant General,
144, Anna Salai,
Chennai – 600 002.

Contemnors/Respondents 3 & 5

PRAYER: Contempt Petition is filed under Section 11 of Contempt of Courts Act, to punish the Contemnors/ Respondents 3 & 5 for willfully disobeying and not complying with the order passed by this Court in W.P(MD)No.11998 of 2014, dated 24.01.2020.



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For Petitioner : Mr.P.Muthuvel
For Respondents : Mr.D.Sadiq Raja
Additional Government Pleader
ORDER

Heard Mr.P.Muthuvel, learned counsel for the Petitioner and Mr.D.Sadiq Raja, learned Additional Government Pleader on behalf of the Respondents.

2. This is the third time the Petitioner has filed a contempt petition seeking initiation of contempt proceedings against the Respondents for alleged violation of the order dated 24.01.2020 passed by this Court in W.P.(MD) No.11998 of 2014.

3. Upon perusal of the records, it transpires to this Court that the Petitioner earlier approached this Court by filing Contempt Petition (MD) No.693 of 2020 for deliberate and willful disobedience of the order dated 24.01.2020 passed in W.P.(MD) No.11998 of 2014. This Court, vide order dated 07.02.2023, closed the said contempt petition with liberty to reopen the contempt, which is reproduced hereunder.



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“This Contempt Petition is filed alleging contempt of the order, dated 24.01.2020 in W.P(MD)No.11998 of 2014.

2. The issue between the petitioner and the respondents is that the petitioner is liable to pay a sum of Rs.15,68,779/-, since there was wrong fixation of salary. The petitioner is entitled to DCRG and other leave salary to the tune of Rs.12,89,664/-, after adjusting the aforesaid amount, the petitioner is liable to pay a sum of Rs.2,79,115/-.

3. It is an admitted fact that the petitioner has not received pension from the date of his superannuation i.e., on 01.06.2014 and the benefits accrued is lying with the respondents.

4. Accordingly, the respondents are directed to deduct a sum of Rs.2,79,115/-from the pensionary benefits and release the balance pensionary benefits to the petitioner, within a period of eight weeks, from the date of receipt of a copy of this order.

5. With the above directions, this Contempt Petition is closed. However, the petitioner is at liberty to reopen this Contempt Petition and agitate the issue, if the balance is not paid as stated supra.”



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4. Thereafter, with liberty to the Petitioner to reopen the contempt, Contempt Petition (MD) No.693 of 2020 was reopened against the same judgment and order dated 24.01.2020 passed by this Court in W.P.(MD) No.11998 of 2014. However, this Court, vide order dated 27.09.2023, closed the said contempt petition, which is reproduced hereunder:

“This Contempt Petition has been filed complaining the willful disobedience of the order dated 24.01.2020 in W.P(MD)No.11998 of 2014 in true letter and spirit.

2. While allowing the said Writ Petition, this Court set aside the impugned order dated 03.01.2014 of the 3rd respondent and directed the 3rd respondent to forward the petitioner's pension proposal submitted by the 4th respondent school dated 13.12.2013 to the 5th respondent, who shall release the pension and retiral benefits to the petitioner. The Court directed to complete the said exercise within the period of 12 weeks from the date of receipt of copy of the order.

3. On behalf of the respondents, a counter affidavit has been filed.

4. During the course of hearing today, the



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learned counsel appearing for the respondents submits that all monetary benefits are settled to the petitioner on 25.09.2023 as directed by this Court.

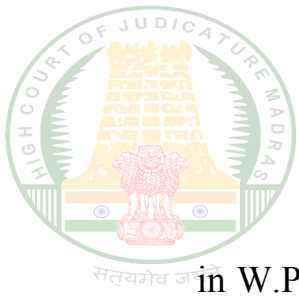
5. The learned counsel for the petitioner also endorsed the same.

6. On considering the facts and circumstances of the case, in my considered view, no further adjudication is required in this Writ Petition.

7. Accordingly, this Contempt Petition is closed.”

From the above order, it is seen that the learned counsel for the Respondent submitted that the entire monetary benefits were settled to the Petitioner on 25.09.2023, as per the direction issued by this Court, and the learned counsel for the Petitioner endorsed the same. Accordingly, the coordinate bench of this Court closed the said Contempt Petition.

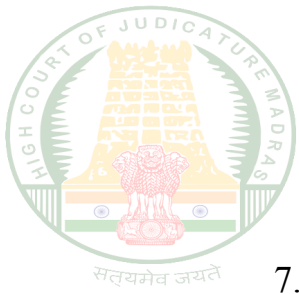
5. Mr. D. Sadiq Raja, learned Additional Government Pleader for the Respondents, submits that the entire payment has been made in compliance with the direction issued by this Court in its order dated 24.01.2020 passed



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in W.P.(MD) No.11998 of 2014. He further submits that the Petitioner has already approached this Court by filing contempt petitions twice, and the present contempt petition, which is filed for the third time, is an abuse of process of law, likely filed on the advice of Mr.P.Muthuvel, learned counsel for the Petitioner. Moreover, it is highly time-barred. Therefore, he prays this Court to dismiss the present Contempt Petition with heavy costs.

6. After hearing the arguments advanced by the learned counsels for the parties and perusing the records and earlier orders passed by the coordinate bench of this Court dated 07.02.2023 and 27.09.2023, this Court deems it appropriate to dismiss the contempt petition as no useful purpose would be served by keeping it pending. More than 1½ years have since passed, and the present contempt petition, filed by the learned counsel, Mr. P. Muthuvel, with the same prayer as mentioned in the earlier contempt petitions, appears to be an abuse of the process of law, filed solely to waste the valuable time of this Court, particularly when the earlier contempt petition was already closed by a detailed order after the learned counsels for parties confirmed that the entire dispute had been settled.



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7. At this juncture, Mr.P.Muthuvel, learned counsel for the Petitioner, submits that he may be permitted to withdraw the present contempt petition. He further submits that he does not wish to press the Contempt Petition and has made an endorsement to that effect in the affidavit filed in support of the petition.

8. Mr.D.Sadiq Raja, learned Additional Government Pleader for the Respondents, stated that he had no objection.

9. In view of the submissions and the endorsement made by the learned counsel for the Petitioner, this Contempt Petition is dismissed as withdrawn. The file shall be consigned to the records. There shall be no order as to costs.

01.07.2025

Index: Yes/No
Web: Yes/No
Speaking/Non Speaking
Nsr



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- 1.The Additional Assistant Elementary Educational Officer,
(Now known as Block Educational Officer),
Palayamkottai, Tirunelveli District.
- 2.The Accountant General,
144, Anna Salai,
Chennai – 600 002.



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SHAMIM AHMED, J.

Nsr

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