



Sub Application (MD)Nos.255 and 256 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2025

CORAM:

THE HONOURABLE **MR.JUSTICE SHAMIM AHMED**

Sub Application (MD)Nos.255 and 256 of 2025

In

Contempt Petition (MD)Nos.1633 and 1696 of 2024

In

W.P.(MD)Nos.1636 and 1637 of 2015

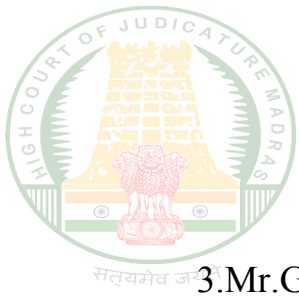
Sub Application (MD) No.255 of 2025:

D.Paul Daniel,
S/o.Prabhu Doss,
Saralthundu Vilai Veedu,
Uthaya Marthandam Post,
Kanyakumari District.

Petitioner/Petitioner/Writ Petitioner
Vs

1.Mr.C.Nedunchezian, IAS.,
The Accountant General,
Office of the Accountant General,
Chennai, Tamil Nadu,
261, Annasalai, Chennai – 600 018.

2.Mr.Kumaragurubaran, IAS.,
The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St.George, Chennai – 600 009.



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3.Mr.G.Arivoli,
The Director of School Education,
College Road, Chennai – 600 006.

4.Mr.BalaDhandayuthapani,
The Chief Educational Officer,
Kanyakumari District at Nagercoil,
Kanyakumari District – 629 001.

5.Mr.Marimuthu,
The District Educational Officer,
Kuzhithurai,
Kanyakumari District.

Contemnors/Contemnors/Respondent Nos.1 to 5

PRAYER: Petition is filed under Section 11 of Contempt of Courts Act, 1971, r/w Section 151 of CPC, to reopen the Contempt Petition (MD)No. 1696 of 2024 disposed on 20.02.2025 in W.P.(MD)No.1636 of 2015.

Sub Application (MD) No.256 of 2025:

M.LigiRethna Bai,
W/o.Doss,
Gift of God Illam,
NellikaivilaiPaloor,
Karungal Post,
Kanyakumari District.

Petitioner/Petitioner/Writ Petitioner
Vs

1.Mr.C.Nedunchezian, IAS.,
The Accountant General,
Office of the Accountant General,
Chennai, Tamil Nadu,
261, Annasalai, Chennai – 600 018.



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2.Mr.Kumaragurubaran, IAS.,
The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St.George, Chennai – 600 009.

3.Mr.G.Arivoli,
The Director of School Education,
College Road, Chennai – 600 006.

4.Mr.BalaDhandayuthapani,
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Kanyakumari District at Nagercoil,
Kanyakumari District – 629 001.

5.Mr.Marimuthu,
The District Educational Officer,
Kuzhithurai,
Kanyakumari District.

Contemnors/Contemnors/Respondent Nos.1 to 5

PRAYER: Petition is filed under Section 11 of Contempt of Courts Act, 1971, r/w Section 151 of CPC, to reopen the Contempt Petition (MD)No. 1633 of 2024 disposed on 20.02.2025 in W.P.(MD)No.1637 of 2015.

(In Both Contempt Petitions)

For Petitioner : Mr.R.Maheswaran

For Respondents : Mr.P.Gunasekaran
Standing Counsel
For R-1
Mr.D.Sadiq Raja
Additional Government Pleader
For R-2 to R-5



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COMMON ORDER

These petitions have been filed to reopen the Contempt Petition (MD)Nos.1633 and 1696 of 2024 dated 20.02.2025.

2. Heard Mr.R.Maheswaran, learned counsel appearing for the Petitioner, Mr.P.Gunasekaran, learned Standing Counsel who accepts notice for the 1st Respondent and Mr.D.Sadiq Raja, learned Additional Government Pleader who accepts notice for the Respondents 2 to 5.

3. Mr.R.Maheswaran, learned counsel appearing for the Petitioner submits that the Petitioners filed Writ Petitions in W.P.(MD)No.1636 and 1637 of 2016 and the learned Single Judge of the Writ Court vide common judgment and order dated 09.01.2019 allowed the said Writ Petitions in the following terms:

“7.I am in respectful agreement with the views expressed by the Division Bench. If the State Government is allowed to refuse pension to the employees by taking hyper technical stand as taken in this case, it will only result in miscarriage



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of justice. Already persons like that of the petitioners have been squeezed till the last drop of blood to work for the State Government and the Education Department on a monthly salary of Rs. 105/-. After a long drawn fight for about 10 years, they were favoured with regularisation with retrospective effect. They should not be allowed to suffer further. In my considered opinion, the State Government should be magnanimous to consider their rights de hors the technicalities of law. I am therefore of the considered opinion that the orders passed by the Account General rejecting the pension proposals are liable to be quashed and the same are quashed. The writ petitions are allowed directing the respondents to calculate the pension payable to the petitioners by counting 50% of the services rendered by them as so-called part-time workers and pay pension along with all arrears within a period of eight weeks from the date of receipt of a copy of this order. Needless to say that the arrears of pension will carry interest at 18% per annum from the date of retirement till the date of payment. The 18% interest is awarded taking into account the technical stand adopted by the Government and the fact that the Government



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charges 24% interest for belated payment of deficit stamp duty under Section 47(A) of the Indian Stamp Act. No costs. Consequently, connected miscellaneous petitions are closed.”

4. Mr.R.Maheswaran, learned counsel appearing for the Petitioner submits that aggrieved by the order of the Writ Court dated 09.01.2019 in W.P.(MD)No.1636 and 1637 of 2016, the Respondents filed Writ Appeal bearing CMP(MD) No.14066 of 2024 in W.A.(MD)SR.No.73507 of 2024 and CMP(MD)No.14084 of 2024 in W.A.(MD)SR.No.73231 of 2024 and the Hon'ble Division Bench of this Court vide order dated 20.11.2024 was pleased to dismiss the aforesaid appeals. A copy of the said judgment is annexed at page no.9 of the typed set of papers. For better appreciation, the relevant portion of the order in one of the Writ Appeal in CMP(MD) No. 14066 of 2024 in W.A.(MD)SR.No.73507 of 2024 is reproduced below:

“4. Insofar as the delay is concerned, between 06.02.2019 to the end of February 2019, when the pandemic started, the only reason assigned is that the papers were forwarded to the higher officials and there, they got mixed up with the other bundles. We are not convinced with such a reason assigned since even if the papers have been mixed up, there must be some



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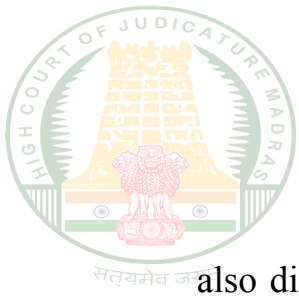
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reasonable time, which could be extended for such lapse. Likewise, once again, the petitioners herein claimed to have lost the papers while there was a bifurcation of the Educational District. Even this claim is over a period of two years between 22.09.2022 and 13.07.2024, when the contempt notice was issued.

5. We do not intend to extend any sympathy for such careless attitude of the petitioners in having dealt with the matter and denied the monetary benefits, which the first respondent is otherwise entitled to. Apparently, the appeal has been made with a faint attempt to escape from the contempt proceedings. We do not intend to be a part of such a conduct of the petitioners. Since the delay has not been explained satisfactorily, there are no grounds to condone the same.

6. Accordingly, the Civil Miscellaneous Petition stands dismissed. Consequently, W.A.(MD).SR.No. 73507 of 2024 stands rejected.”

5. Aggrieved against the order dated 20.11.2024 passed by the Appellate Court, the Respondents preferred SLP before the Hon'ble Apex Court bearing Special Leave to Appeal (c) No(s).4262 of 2025 which was



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also dismissed by the Hon'ble Apex Court vide judgment and order dated 14.02.2025. A copy of the said judgment is annexed at page no.15 of the typed set of papers. For better appreciation, the relevant portion of the order is reproduced below:

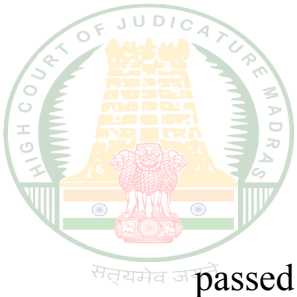
“In the attending facts and circumstances of the case, we are not inclined to interfere with the impugned order(s).

2. The Special Leave Petitions are dismissed leaving the question of law open.

3. The dismissal of these petitions shall not be treated as a binding precedent.

4. Pending application(s), if any, shall stand disposed of.”

6. The learned counsel for the Petitioner further submits that since the judgment and order dated 09.01.2019 passed by the Writ Court in W.P. (MD)Nos.1636 and 1637 of 2016 was not complied with by the Respondents, the Petitioners filed Contempt Petition (MD)Nos.1633 of 2024 and 1696 of 2024 before the co-ordinate Bench of this Court. The co-ordinate Bench of this Court, after considering the averments made in the Contempt Petitions, the judgment and order dated 20.11.2024 passed by the Appellate Court, and the judgment and order dated 14.02.2025



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passed by the Hon'ble Apex Court, finally closed the Contempt Petitions vide a common judgment and order dated 20.02.2025. The relevant portion of the order is reproduced hereunder:

“9. This Court had considered the rival submissions. Earlier the government departments had appointed part time/full-time daily wages for certain categories of employment. Then the government had taken policy decision that in future certain categories of employment, especially sweepers and scavengers, bill collectors etc. would be outsourced. And also taken a policy decision to grant regularization for the existence employers and the eligibility criteria was fixed by issuing G.O.Ms.No.22 to grant regularization. But when the part time employees were granted regularization, the Government had issued G.O.Ms.No. 74 P &AR Department dated 27.06.2013 declining regularization for part time employers. When the same was put to challenge, the Courts directed to grant regularization for part time employees also. Therefore, the government was burden with more than 1000 such part time employers for regularization for both the part time and full-time employees. Infact the government was planning to stop employing, but reverse happened and the government employed them based on Court



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orders. Hence the government was constraint to pay salary in time scale, then pension. Now the government is put in a position to pay interest to said petitioners, part time employees. If the same is paid to the petitioners, then all the similarly persons would again demand interest for the belated payment of pension and other benefits, then the government ought to face severe financial constraint. Ultimately the government ought to pay the same from the public fund. Therefore, this Court accepts the difficulty expressed by the government.

10. Further it is seen that the government had filed the writ appeal with delay of 1345 days i.e. four years delay. However, the contempt petition is filed with delay of 1825 days i.e. five years delay. This Court is of the considered opinion that when the writ appeal filed by the government was dismissed due to huge delay, then it would be appropriate to dismiss the contempt for the same reason of delay. It is pertinent to state that the Hon'ble Division Bench had held that it is because of the contempt the respondents had filed the writ appeal, but the aforesaid fact seems otherwise.

11. Furthermore, the order passed in the writ petition is on 09.01.2019. The government had submitted the proposal based on the orders of the



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Court and finally the Accountant General had disbursed the pension vide order dated 09.07.2019 to M.Ligi Retina Bai and on 09.12.2019 to D.Paul Daniel. When the government had paid the pension, thereby the government had substantially complied with the order passed by this Court. Hence there is no willful disobedience by the respondents/contemnors, but for the genuine difficulties expressed by the contemnors as stated supra.

12. Therefore, this Court is of the considered opinion that the orders passed by the Court are substantially complied with, hence there is no willful disobedience as alleged by the petitioners. Hence, the contempt petitions are closed. No costs. Consequently, connected sub applications are closed.

13. It is pertinent to record that in Kanyakumari District, for regularization the individuals are preferring police complaints and the officials are facing FIR. There are some complaints before District Collector and some threaten to commit suicide before District Collector since regularization was not granted. Infact this has become a modus operandi for regularization. Further, as far as regularization is concerned, the Government alone is empowered to grant regularization and filing complaints before



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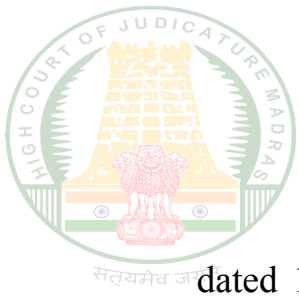


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police and registering FIR against officials cannot be permitted and such practice ought to be deprecated. At one point of time such modus operandi ought to be curtailed. Further the government has power to regularize by granting consolidated pay for some period, thereafter bring the individual for time scale of pay. Furthermore, the government is handling the public money and the government is having full data of its income and expenditure, hence the government is having full power to fix the pay. With this observation, this Court is closing the contempt petitions.”

7. After the closure of the said Contempt Petitions on 20.02.2025, the Petitioner filed the present Sub Applications before this Court on 19.06.2025 to reopen the Contempt Proceedings.

8. After perusing the judgment and order dated 09.01.2019 passed by the Writ Court in W.P.(MD)Nos.1636 and 1637 of 2016, the judgment and order dated 20.11.2024 passed by the Appellate Court in CMP(MD)No. 14066 of 2024 in W.A.(MD)SR.No. 73507 of 2024 and CMP(MD)No. 14084 of 2024 in W.A.(MD)SR.No.73231 of 2024, the judgment and order

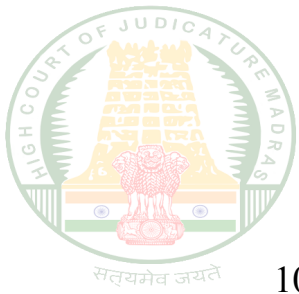


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dated 14.02.2025 passed by the Hon'ble Apex Court in Special Leave to Appeal(C)No(s).4262 of 2025, and the detailed judgment and order dated 20.02.2025 passed by the co-ordinate Bench of this Court in Contempt Petitions(MD)Nos.1633 and 1696 of 2024, this Court is of the view that the co-ordinate Bench of this Court, while deciding the Contempt Petitions, considered all aspects of the matter and closed the contempt proceedings with the observation that the orders passed by the Court were substantially complied with, and therefore, there was no willful disobedience as alleged by the Petitioners.

9. The present Sub-Applications, filed over three months after the order dated 20.02.2025, lack merit. The co-ordinate Bench of this Court has already dealt with the Contempt Petitions in detail and passed a comprehensive order on 20.02.2025, closing the contempt petitions with specific findings in paragraphs 11, 12, and 13. Since the issues have already been decided, reopening the contempt petition is unjustified. Therefore, the present Sub-Applications are an abuse of the process of law and are liable to be dismissed, as they would result in wasting the valuable time of this Court.



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10. Accordingly, the Sub Applications are dismissed. The files shall be consigned to the record. There shall be no order as to costs.

02.07.2025

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

To:

- 1.The Accountant General,
Office of the Accountant General,
Chennai, Tamil Nadu,
261, Annasalai, Chennai – 600 018.
- 2.The Secretary,
The State of Tamil Nadu,
Department of School Education,
Fort St.George, Chennai – 600 009.
- 3.The Director of School Education,
College Road, Chennai – 600 006.
- 4.The Chief Educational Officer,
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SHAMIM AHMED, J.

Nsr

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