



Contempt Petition (MD)No.1988 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2025

CORAM:

THE HONOURABLE **MR.JUSTICE SHAMIM AHMED**

Contempt Petition (MD)No.1988 of 2025

In

W.P.(MD)No.15571 of 2013

V.K.S.Balu,
S/o.Sethuraman,
Kariayunampatti,
Pannaipuram Post,
Theni District.

...Petitioner/Petitioner

Vs

- 1.Mrs.S.Mathumathi, I.A.S.,
The State of Tamil Nadu,
Represented by its Secretary,
School Education Department,
Fort St.George, Chennai – 600 009.
- 2.Mr.T.Udhayachandran, I.A.S.,
The Secretary to Government,
Finance Department,
Government of Tamil Nadu,
Fort St.George, Chennai – 600 009.
- 3.Mr.S.Sethurama Varma,
The Director of Elementary Education,
Chennai – 600 006.



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4. Mr.P.Johnson,

The District Elementary Education Officer,
Theni, Theni District.

...Contemnors/Respondents

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.15571 of 2013, dated 08.03.2017.

For Petitioner : Mr.K.Appadurai

For Respondents : Mr.M.Ajmalkhan,
Additional Advocate General
Assisted by,
Mr.D.Sadiq Raja,
Additional Government Pleader

ORDER

Heard Mr.K.Appadurai, learned counsel appearing for the Petitioner and Mr.M.Ajmalkhan, learned Additional Advocate General, assisted by Mr.D.Sadiq Raja, learned Additional Government Pleader who accepts notice on behalf of the Respondents. Therefore, no further notice is required to be issued to the Respondents.



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2. This Court vide order dated 23.07.2025 passed the following order in the present Contempt Petition:

Heard Mr.K.Appadurai, learned counsel appearing 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. This Contempt Petition has been filed for non compliance of the judgment and order dated 08.03.2017 passed in W.P.(MD)No.15571 of 2013 and the learned Single Judge of the Writ Court allowed the said Writ Petition in the following terms:

“18. All the above judgments passed by the Hon'ble Supreme Court and by this Court were squarely applicable to the petitioner's case in hand, therefore the petitioner is entitled to the relief for sought for in this writ petition.

19.In the result:

- (a) the writ petition is allowed by setting aside the order passed by the 3rd respondent in Na.Ka.No. 18792/J1/2012 dated 26.04.2013;*
- (b) the respondents are hereby directed to*



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grant pension to the petitioner as per G.O.Ms.No.408 Finance (Pension) dated 25.08.2009 and the pay back the arrears of pension and also pay the future pension continuously;

(c) the respondents are hereby directed to complete the above said exercise within a period of eight weeks from the date of receipt of a copy of this order. However, considering the circumstances of the case, there is no order as to cost. Connected Miscellaneous Petition is closed.”

3. Mr.K.Appadurai, learned counsel for the Petitioner submits that against the judgment and order dated 08.03.2017 in W.P.(MD)No.15571 of 2013, the Respondents have preferred Writ Appeal bearing W.A. (MD)No.68 of 2018 and the Division Bench of this Court vide judgment and order dated 19.07.2024 dismissed the said Writ Appeal in the following terms:

“10. If G.O.408 is strictly construed, then the writ-petitioner might not be entitled to claim benefit under that G.O. The dictum in Kaliyamurthy case strictly does not deal with a situation such as the one now before this court. Issue is whether the petitioner's part-time employment from 18.09.1987 to 18.11.1998 be accommodated for the benefit of G.O.408 is the issue. Here, it may have to be stated that prior to his full time appointment, the petitioner was employed as a part time teacher in the same school. Now,



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the point is was the petitioner appointed as a part-time teacher in a full time post? After all it was a Panchayat Union Middle School, and it is least likely that this school in 1987 would have had both a part-time post and full-time post for its vocational course (agriculture). There is no clarity on this point. If the petitioner has been appointed as a part-time teacher in a full time post, it could be safely concluded it is a ploy to outmanoeuvre the Pension Rules.

11.It is now 17 years since he superannuated. And somewhere his anxiety should end. Therefore, this Court deems it appropriate to give the benefit of doubt to the writ-petitioner/respondent herein and treats his part-time service in vocational (agriculture) course in the Panchayat Union Middle School at Melasinthalaseri between 18.09.1987 to 18.11.1998 as an employment in a full time post. If so considered, then petitioner's case would be covered under G.O.408, dated 25.08.2009.

12. It is clarified that this court has arrived at the above decision on the peculiar facts of this case and hence the result of this case considered as declaring the law on the point.

13. In the result, this appeal is dismissed. The order dated 08.03.2017 passed in W.P(MD)No.15571 of 2013 is confirmed. No cots. Consequently, connected miscellaneous petition is closed."

4. The learned counsel for the Petitioner submits that the Petitioner has not yet been granted pension,



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despite the judgment and order passed by the Writ Court long ago. He further submits that, in spite of the judgment and order dated 08.03.2017 passed in W.P. (MD) No.15571 of 2013 and the subsequent dismissal of the writ appeal in W.A.(MD) No.68 of 2018 dated 19.07.2024, more than one year has elapsed, the Respondents have failed to comply with the directions issued by the Writ Court. The learned counsel submits that the Respondents have wilfully and deliberately flouted the orders of the Writ Court. Therefore, it is submitted that the Respondents are in contempt of court and may be summoned and punished for committing contempt, by exercising the powers conferred under Sections 11 and 12 of the Contempt of Courts Act, 1971.

5. Mr.D.Sadiq Raja, learned Additional Government Pleader requests this Court to grant time to ensure compliance with the judgment and order passed by the Writ Court dated 08.03.2017 in W.P. (MD) No.15571 of 2013.

6. Upon perusing the judgment and order passed by the Writ Court on 08.03.2017 in W.P.(MD) No. 15571 of 2013, as well as the judgment and order



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passed by the Appellate Court on 19.07.2024 in W.A. (MD) No.68 of 2018, and upon considering the averments made in the affidavit filed in support of the contempt petition, this Court is of the view that the Respondents appear to have wilfully and deliberately disobeyed the order of the Writ Court. Though the judgment and order passed by the Appellate Court in W.A.(MD) No.68 of 2018 was dismissed on 19.07.2024, and more than one year has since elapsed, the Respondents have not taken any steps to comply with the judgment and order passed by the Writ Court. Such inaction on the part of the Respondents clearly indicates a wilful disobedience and malafide intent, reflecting a blatant disregard for the authority of this Court. Government officers who fail to comply with judicial orders not only undermine the dignity of the Court but also show a serious contempt for the rule of law. Accordingly, this Court deems it appropriate to initiate contempt proceedings against the Respondents for their alleged non-compliance with the orders passed by this Court.

7. Accordingly, Mr.S.Sethurama Varma, the Director of Elementary Education Officer, Chennai –



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*600 006, is directed to appear in person before this Court on **24.07.2025** along with the personal affidavit and explain why the judgment and order passed by the Writ Court dated 08.03.2017 passed in W.P.(MD)No. 15571 of 2013, has not been complied with, and why this Court should not proceed with initiating contempt proceedings against him.*

*8. Put up this case on **24.07.2025** “For Further Orders” before this Court.*

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

3. In compliance with the order dated 23.07.2025 passed by this Court in the present Contempt Petition, Mr.R.Swaminathan, currently serving as the Joint Director (Administration), Directorate of Elementary Education, Chennai, is present in person before this Court today. He has filed an affidavit and submitted that Mr.S.Sethuramavarma is not serving as the Director of Elementary Education as of date. Mr.Naresh is the current Director of Elementary Education, however, he could not appear in

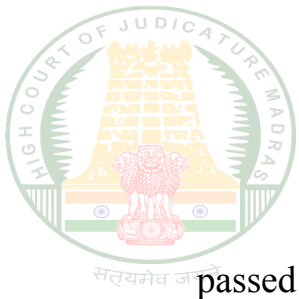


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person due to a function organized by him today at around 11:00 a.m. at Jawaharlal Nehru Stadium, Chennai, where appointment orders were to be issued to Secondary Grade Teachers in the presence of the Deputy Chief Minister and the Minister concerned. Therefore, his personal appearance may be dispensed with for the present. This fact is stated in paragraph no. 8 of the affidavit.

4. A copy of the affidavit filed by Mr.R.Swaminathan, Joint Director (Administration), Directorate of Elementary Education, Chennai, is taken on record and furnished to the learned counsel for the petitioner. Upon perusal of the said affidavit, this Court is of the view that the reason stated by Mr.R.Swaminathan appears to be justified, and accordingly, the Director of Elementary Education is exempted from appearing before this Court.

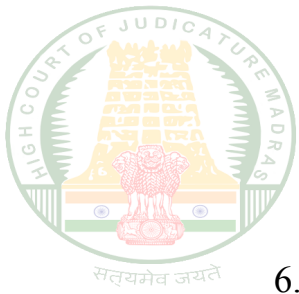
5. Mr.M.Ajmalkhan, learned Additional Advocate General, assisted by Mr.D.Sadiq Raja, learned Additional Government Pleader for the Respondents, submits that in compliance with the order dated 23.07.2025



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passed by this Court in the present contempt petition, an affidavit has been filed by Mr.R.Swaminathan, Joint Director (Administration), Directorate of Elementary Education, Chennai. In paragraph No. 7 of the said affidavit, it has been categorically stated that, since the Review Application is pending as on date, the Respondents seek four weeks time either to comply with the judgment and order passed by the Writ Court or to obtain a stay in the Review Application. The said statement made in paragraph No. 7 of the affidavit is reproduced hereunder:

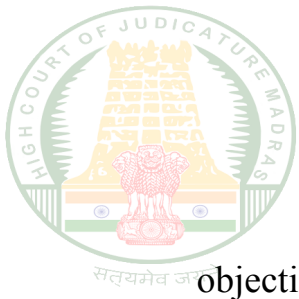
“7. I respectfully submitted that half of the service rendered in part time service cannot be counter for the purpose of pensionary benefits is a settled law. Hence, review application has been preferred and the same has been numbered as C.M.P.(MD)No.10851 of 2025 in Review (MD)Sr.No.49977 of 2025 on the file of this Hon'ble Court. The review is still pending as on date. I seek indulgence of this Hon'ble Court to grant four weeks time either to comply the order or to get stay in the review application. The four weeks time is sought for as administrative sanction as well as financial sanction are to be obtained from different departments before issuing government order.”



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6. Mr.M.Ajmalkhan, learned Additional Advocate General for the Respondents, submits that in light of the affidavit filed by Mr.R.Swaminathan, Joint Director (Administration), Directorate of Elementary Education, Chennai, who is present in person before this Court today in place of the Director of Elementary Education, he assures this Court that the judgment and order dated 08.03.2017 passed by the Writ Court in W.P.(MD)No.15571 of 2013 will be complied with within a period of four weeks. He further assures that the arrears of pension, along with the corresponding monetary and service benefits, will be disbursed to the Petitioner within the same period, and that the pension will be paid regularly in future. Therefore, he prays that the Respondents may be discharged from the contempt proceedings and that the present contempt petition may be disposed of accordingly.

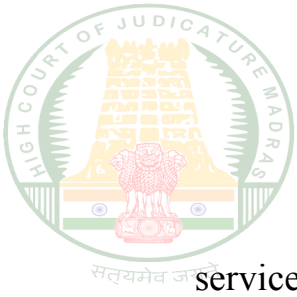
7. Mr.K.Appadurai, learned counsel appearing for the Petitioner, submits that he has received a copy of the affidavit filed by Mr.R.Swaminathan, Joint Director (Administration), Directorate of Elementary Education, Chennai, and further submits that he has no



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objection to the statement made by the learned Additional Advocate General as well as to the averments made in paragraph No.7 of the affidavit. Accordingly, the learned counsel states that he has no objection to the Respondents being discharged from the contempt proceedings at this stage, and that the present contempt petition may be disposed of accordingly.

8. Considering the submissions made by the learned counsel for the parties and upon perusal of the affidavit filed by Mr.R.Swaminathan, Joint Director (Administration), Directorate of Elementary Education, Chennai, particularly paragraph No.7, this Court is satisfied that the Respondents shall comply with the judgment and order dated 08.03.2017 passed by the Writ Court in W.P.(MD) No. 15571 of 2013 within a period of four weeks from today, without fail. As per the averments made in the said affidavit and the assurance given by the learned Additional Advocate General, this Court hopes and trusts that the judgment and order of the Writ Court will be duly complied with within the stipulated period. It is further assured that the arrears of pension, along with the corresponding monetary and



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service benefits, will be disbursed to the Petitioner within the same period, and that the pension will be paid regularly in future. In view of the same, this Court deems it appropriate to drop the contempt proceedings against the Respondents. Accordingly, the Respondents are discharged from the contempt proceedings at this stage.

9. In view of the above, the Contempt Petition is **disposed of** at this stage. The file shall be consigned to record. There shall be no order as to costs.

24.07.2025

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



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- 1.The Secretary,
The State of Tamil Nadu,
School Education Department,
Fort St.George, Chennai – 600 009.
- 2.The Secretary to Government,
Finance Department,
Government of Tamil Nadu,
Fort St.George, Chennai – 600 009.
- 3.The Director of Elementary Education,
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- 4.Mr.P.Johnson,
The District Elementary Education Officer,
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SHAMIM AHMED, J.
Nsr

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