



Contempt Petition (MD)No.2090 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2025

CORAM:

THE HONOURABLE **MR.JUSTICE SHAMIM AHMED**

Contempt Petition (MD)No.2090 of 2025

In

W.P.(MD)No.5498 of 2021

M.Kannan,
S/o.B.Murugan,
4/83, Marakkayar Pattinam,
Government ITI Opposite, Venthoni Post,
Paramakudi,
Ramanathapuram District.

Petitioner/Petitioner

Vs

1.Mr.V.Jeyakumar,
Joint Director (Vocational),
Directorate of School Education,
DPI Compound, College Road,
Chennai – 600 006.

2.Mr.Prince,
Chief Educational Officer,
Ramanathapuram.

...Contemnors 1 & 2 /Respondents 2 & 3

3.A.Mayakannan,
Headmaster,
R.S.Government Higher Secondary School,
Paramakudi.

...3rd Contemnor/3rd Party



Contempt Petition (MD)No.2090 of 2025

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.5498 of 2021, dated 29.08.2022.

For Petitioner : Mr.R.Saravanan

For R-1 and R-2 : Mr.D.Sadiq Raja
Additional Government Pleader

ORDER

This is a petition seeking initiation of contempt proceedings against the Respondents for alleged violation of the order, dated 29.08.2022 passed by the Writ Court in W.P.(MD)No.5498 of 2021.

2. Heard Mr.R.Saravanan, learned counsel appearing for the Petitioner and Mr.D.Sadiq Raja, learned Additional Government Pleader, who accepts notice on behalf of the Respondents 1 & 2. Therefore, no further notice is required to be issued to the Respondents 1 & 2.

3. The Contempt Petition has been filed for non compliance of the judgment and order passed by the Writ Court in W.P.(MD)No.5498 of



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2021 dated 29.08.2022 and the learned Single Judge of the Writ Court allowed the said Writ Petition in the following terms:

“5. Insofar as the order, dated 04.03.2021 which seeks to recover the excess payment is concerned, the respondents have relied upon the wrong pay fixation made to the petitioner with effect from 05.10.1996 in the cadre of Graduate Teacher. The Hon'ble Supreme Court, in the case of State of Punjab and others vs. Rafiq Masih (White Washer) and others reported in (2015) 4SCC 334, has held that when the excess payment has been made for the period in excess of five years, owing to the mistake of the Department, the recovery is impermissible. By applying the ratio laid down in White Washer's case supra, the present recovery order which seeks to recover the alleged excess payment made with effect from 05.10.1996 which is in excess of five years, cannot be sustained.

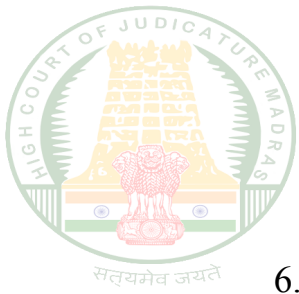
6. Accordingly, the impugned order dated 04.03.2021 passed in Na.Ka.No.8201/A3/2018 by the third respondent is quashed. Hence, this Writ Petition is allowed. No costs. Connected miscellaneous petition is closed. ”



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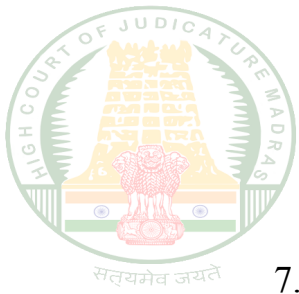
4. Today, when the matter was taken up, Mr.R.Saravanan, learned counsel for the Petitioner submits that against the judgment and order passed by the Writ Court dated 29.08.2022 in W.P.(MD)No.5498 of 2021, the Respondents preferred Writ Appeal bearing C.M.P.(MD)No.1656 of 2025 in W.A.(MD)No.SR.6560 of 2025 and the Division Bench of this Court vide order dated 26.02.2025 dismissed the petition at the SR stage itself on the ground of huge delay. Thereafter, the Respondents have refixed the salary of the Petitioner vide order dated 25.03.2025 and also for recovering the amount, the Respondents passed an order dated 08.07.2025, which finds place at Page No.29 & 33 of the paper book.

5. The learned counsel for the Petitioner further submits that despite the judgment and order passed by this Court dated dated 29.08.2022 in W.P.(MD)No.5498 of 2021, the Respondents have not complied with the directions of the Writ Court and they have wilfully and deliberately flouting the orders passed by the Writ 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.



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6. Mr.D.Sadiq Raja, the learned Additional Government Pleader appearing for Respondents 1 and 2, submits that the present contempt petition is not maintainable, as there is no non-compliance with the judgment and order dated 29.08.2022 passed in W.P.(MD) No.5498 of 2021. He submits that, by order dated 25.03.2025, the Respondents have refixed the salary of the Petitioner, and in the process, certain excess payments were made. Consequently, an order dated 08.07.2025 was issued by the Respondents. He further submits that the Petitioner has already challenged the aforesaid orders dated 25.03.2025 and 08.07.2025 by filing W.P.(MD)No.19519 of 2025 before the Writ Court and the learned Single Judge of the Writ Court, by order dated 17.07.2025, granted an interim stay with respect to the recovery alone, and the matter is still under consideration. In view of the same, it is submitted that the Petitioner cannot seek any relief in the present contempt petition, as no case of willful disobedience is made out. Any relief, if at all, will have to be obtained before the Writ Court in the pending writ petition. Accordingly, it is submitted that the present contempt petition may be dismissed, and the Respondents may be discharged from the contempt proceedings.



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7. The learned counsel for the Petitioner also concurred with the submissions made by the learned Additional Government Pleader and submits that the Petitioner has challenged the orders dated 25.03.2025 and 08.07.2025 before the Writ Court by filing W.P.(MD) No.19519 of 2025. He further submits that the petitioner may be granted liberty to pursue the remedy sought in the said Writ Petition before the Writ Court. Accordingly, he prays that the present Contempt Petition be disposed of, and he has no objection to the Respondents being discharged from the contempt proceedings at this stage.

8. Considering the submissions made by the learned counsel for the Petitioner and the learned Additional Government Pleader for Respondents 1 and 2, and upon perusal of the judgment and order dated 29.08.2022 passed in W.P.(MD)No.5498 of 2021, as well as the orders dated 25.03.2025 and 08.07.2025 issued by the Respondents, and taking note of the submission that the Petitioner has filed W.P.(MD) No.19519 of 2025 challenging the said orders, this Court is of the considered opinion that no case of contempt is made out against the Respondents. In view of the above, this Court is of the view that no useful purpose would be served by



Contempt Petition (MD)No.2090 of 2025

WEB COPY

keeping the contempt proceedings pending. 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. It is made clear that the Petitioner is at liberty to pursue the remedy in W.P.(MD) No. 19519 of 2025, challenging the orders dated 25.03.2025 and 08.07.2025, before the appropriate forum. The Petitioner may approach this Court at a relevant point in time, depending on the decision rendered in the aforementioned Writ Petition. The file shall be consigned to record. There shall be no order as to costs.

07.08.2025

Nsr

Index: Yes/No

Web: Yes/No

Speaking/Non Speaking



Contempt Petition (MD)No.2090 of 2025

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Contempt Petition (MD)No.2090 of 2025

SHAMIM AHMED, J.

Nsr

Contempt Petition (MD)No.2090 of 2025

07.08.2025