



Contempt Petition (MD)No.3079 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE SHAMIM AHMED

Contempt Petition (MD)No.3079 of 2024

In

W.P.(MD)No.17132 of 2021

G.Gangadevi,
W/o.Murali,
Headmaster,
Swaminatha Aided Primary School,
Vallam - 613 403,
Thanjavur Taluk and District.

Petitioner/Petitioner

Vs

1.Mr.Ayyakannu,
The District Educational Officer (Elementary),
Thanjavur Educational District,
Thanjavur.

2.Mrs.Sangeetha,
Block Educational Officer,
Thanjavur Rural,
Thanjavur.

Contemnors/Respondents 1 & 2

PRAYER: Contempt Petition is filed under Section 11 of Contempt of Courts Act, 1971, to punish the Contemnors/Respondent No.1 & 2 for willfully disobeying and not complying with the order passed by this Court in W.P(MD)No.17132 of 2024, dated 18.08.2022.



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For Petitioner : Mr.V.Panneer Selvam

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

ORDER

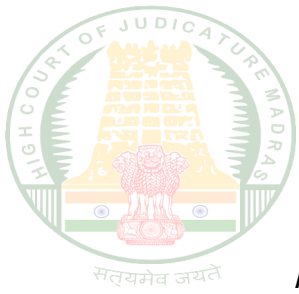
This is a petition seeking initiation of contempt proceedings against the Respondents for violation of the order, dated 18.08.2022 passed by this Court in W.P.(MD)No.17132 of 2021.

2. Heard Mr.V.Panneer Selvam, learned counsel for the Petitioner and Mr.M.Ajmal Khan, learned Additional Advocate General assisted by Mr.D.Sadiq Raja, learned Additional Government Pleader, for the Respondents.

3. When the matter was taken up on 27.02.2025, this Court passed the following order:

“Heard Mr.V.Panneer Selvam, learned counsel for the Petitioner and 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.

2. Mr.V.Panneer Selvam, learned counsel for the petitioner, submits that the petitioner was granted approval for the post of



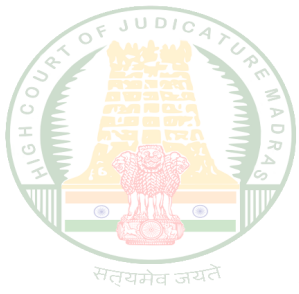
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Primary School Headmistress vide order dated 12.04.2016 in Mu.Mu.No.00773/Aa1/2016. However, the respondents, without justification, withdrew the approval vide order dated 10.08.2021 in Na.Ka.No.4321/A8/2018. Aggrieved over the same, the Petitioner has filed a Writ Petition in W.P.(MD)No.17132 of 2021 and the learned Single Judge of this Court vide order dated 18.08.2022 allowed the said Writ Petition. For better appreciation, the relevant portion of the order is reproduced below:

“5. For all the foregoing reasons, the impugned proceedings issued by the 1st respondent in Na.Ka.No.4321/A8/2018, dated 10.08.2021, is hereby set aside. Consequently, there shall be a direction to the first respondent to pass appropriate orders restoring the earlier order of approval granted by them in Mu.Mu.No.00773/Aa1/2016, dated 12.04.2016 and disburse the salary to the petitioner in the post of Primary School Headmistress in the 3rd respondent School from the date of appointment, (i.e.,) from 10.02.2016, including the arrears of salary, along with interest at the rate of 6% per annum, together with all other service benefits, within a period of four weeks from the date of receipt of a copy of this order.

6. Thus, the writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed”

3. Aggrieved by the order passed by this Court on 18.08.2022 in W.P.(MD)No.17132 of 2021, the Respondents filed a Writ Appeal in W.A.(MD)No.1335 of 2022. The Division Bench of this Court, vide its judgment and order dated 27.11.2024,



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confirming the order of the learned Single Judge of this Court dismissed the said Writ Appeal. For better appreciation, the relevant portion of the order is reproduced below:

“ The aforesaid decision is clearly distinguishable on facts. In this case, the other teachers working in the school had given up their claim. The employment exchange had also issued non-availability certificate. In this view of the matter, we are of the view that interference with the impugned order is not warranted. This writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed. ”

4. The learned counsel for the Petitioner further submits that despite the judgment and order passed by the Appellate Court on 27.11.2024 in W.A.(MD)No.1335 of 2022., the Respondents have not complied with it, and the benefit has not been given to the Petitioner. Thus, the learned counsel submits that the Respondents have committed fraud upon this Court and are in contempt. He also submits that the Respondents 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.

5. Upon perusing the judgment and order passed by this Court dated 18.08.2022 in W.P.(MD)No.17132 of 2021 and the judgment and order passed by the Division Bench of this Court dated 27.11.2024 in W.A.(MD)No.1335 of 2022, as well as paragraph 5 of the affidavit filed in support of the contempt petition, which clearly states that the Respondents have not complied with both orders of this Court, this Court is of the view



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that the Respondents have willfully and deliberately disobeyed the orders of this Court and the Appellate Court. Therefore, this Court has no option but to take action against the Respondents for their wilful and deliberate non-compliance with the said orders.

6. Mr.D.Sadiq Raja, the learned Additional Government Pleader, requests a 48-hour extension to ensure compliance with the Court's judgments dated 18.08.2022 in W.P.(MD)No.17132 of 2021 and 27.11.2024 in W.A.(MD)No.1335 of 2022. He assures the court that all orders will be fully complied with, and any outstanding amounts to the petitioner will be paid promptly, without further delay.

7. In view of the assurance given by Mr.D.Sadiq Raja, the learned Additional Government Pleader, this Court grants the Respondents a final opportunity to comply with the judgments and orders of this Court as well as the Appellate Court dated 18.08.2022 in W.P.(MD)No.17132 of 2021 and 27.11.2024 in W.A.(MD)No.1335 of 2022, without fail. The Respondents are directed to communicate the decision taken by them to the Petitioners and to file an affidavit of compliance in this regard on or before the next fixed date. Failure to comply with the said order within the stipulated time frame will necessitate the Respondents' personal appearance before this Court on the next fixed date.

8. Put up this case on 04.03.2025 "For Orders". Let a copy of this order is given to Mr.D.Sadiq Raja, the learned Additional Government Pleader for its necessary compliance and information to the Respondents".



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4. In compliance with the order dated 27.02.2025, Mr.M.Ajmal Khan, learned Additional Advocate General assisted by Mr.D.Sadiq Raja, learned Additional Government Pleader for the Respondents, has produced the Treasury Bill for Salary (Employee) passed by the 1st Respondent along with a compliance affidavit before this Court, and submits that the respondents have made full compliance with the orders passed by this Court dated 18.08.2022 in W.P.(MD)No.17132 of 2021. The relevant portion of the compliance affidavit, in paragraph no.2 is reproduced below:

"2. I respectfully state that the subject contempt petition has been filed for non compliance of the order made in W.P.(MD)No.17132 of 2021 dated 18.08.2022 on the file of this Hon'ble Court. As against the above order, our department had filed an appeal in W.A.(MD)No.1335 of 2022 before this Court and the same has been dismissed vide order dated 27.11.2024 by confirming the order of the Hon'ble Writ Court. In compliance to the above order, the earlier order of approval granted to the writ petitioner namely 'G.Gangadevi' vide order dated 12.04.2016 was restored and salary was disbursed to her in the post of Primary School Headmistresses from the date of appointment ie., 10.02.2016 to the tune of Rs.37,38,560/- (Rupees Thirty Seven Lakh and Thirty Eight Thousand and Five Hundred Sixty only) and the last month salary to tune of Rs.58,302/- (Rupees Fifty Eight Thousand and Three Hundred Two only) and also disbursed and copy of the



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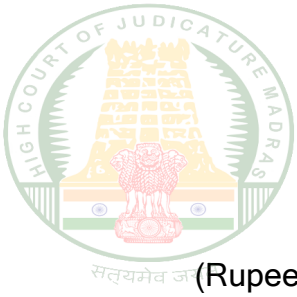
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same is annexed here with. I pray this Hon'ble Court to read the same as part and parcel of this affidavit. Since, the order had been complied with, the subject contempt petition may be closed."

5. Mr.M.Ajmal Khan, learned Additional Advocate General for the Respondents further submits that the entire amount due to the Petitioner has already been paid. Therefore, he prays that the Respondents be discharged from the contempt proceedings.

6. Mr.V.Panneer Selvam, the learned counsel for the petitioner, submitted that the orders passed by this Court on 18.08.2022 in W.P.(MD)No.17132 of 2021 have been fully complied with, and the petitioner has received the amount as stated in paragraph 2 of the compliance affidavit. He, therefore, stated that he has no objection to discharging the respondents from the contempt proceedings. On instructions from his client, the learned counsel further submits that the petitioner hereby waives any claim to interest on the delayed payment and undertakes not to initiate any future litigation in respect thereof.

7. In view of the submissions made by the learned counsel for the Petitioner and the learned Additional Advocate General for the Respondents and upon perusal of the compliance affidavit annexing the detailed chart of payment passed by the Respondents in which a sum of Rs.37,38,560/-



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(Rupees Thirty Seven Lakh and Thirty Eight Thousand and Five Hundred Sixty only) was paid to the Petitioner along with the last month salary to tune of Rs.58,302/- (Rupees Fifty Eight Thousand and Three Hundred Two only) has been mentioned which was disbursed to the Petitioner, in compliance with the judgment and order dated 18.08.2022 passed in W.P.(MD)No.17132 of 2021, this Court deems it appropriate that no useful purpose would be served by keeping the contempt proceedings pending. Accordingly, the Respondents are discharged from the contempt proceedings.

8. In view of the above, the Contempt Petition is disposed of. The file shall be consigned to record. No costs.

04.03.2025

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

To

:

- 1.The District Educational Officer (Elementary),
Thanjavur Educational District,
Thanjavur.
- 2.The Block Educational Officer,
Thanjavur Rural,
Thanjavur.



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SHAMIM AHMED, J.

Nsr

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