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Cont.P.No.1628 of 2022
and W.P.No.13674 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2026

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

Cont.P.No.1628 of 2022,
W.P.No.13674 of 2025
and
W.M.P.Nos.15363 & 15365 of 2025

Cont.P.No.1628 of 2022:

E.Soundararajan

...Petitioner in Cont.P.No.1628/2022

Vs.

1.W.N.Thirunavukarasu,
Secretary/ Correspondent,
Masilamani Mudaliar Higher Secondary School,
Walajabad – 631 605.

[Name of the 1st respondent is substituted as per the
order dated 07.11.2022 made in Sub-Appln.No.656
of 2022.]

2.Kakarla Usha, IAS,
The Principal Secretary to Government,
Education Department, Fort St. George,
Chennai – 600 009.

3.S.Gopi Doss,
The Joint Director of School Education,
(Secondary), Chennai – 600 006.



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4.V.Vetrichelvi,
The Chief Educational Officer,
Kanchipuram.

5.S.Ravi,
The District Educational Officer,
Kanchipuram.

...Respondents in Cont.P.No.1628/2022

PRAYER in Cont.P.No.1628 of 2022: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 praying to punish the respondents 1 and 2 herein for having committed contempt of the orders passed by this Court in W.A.No.2972 of 2021 dated 03.03.2022 by not implementing the order.

For Petitioner : Mr.R.S.Anandan

For Respondents : Mr.Suhrith Parthasarathy for R1
Mr.K.H.Ravikumar,
Govt. Advocate for R2 to R5

W.P.No.13674 of 2025:

W.T.Masilamani Mudaliar Higher Secondary School,
Rep. by its Secretary / Correspondent,
W.N.Thirunavukarasu, Walajabad,
Kanchipuram District – 631 605.

.... Petitioner in W.P.No.13674/2025

Vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary,
School Education Department,
Secretariat, Fort St. George,
Chennai – 600 009.



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2.The Joint Director of School Education (Secondary),
DPI Campus, Chennai – 600 006.

3.Chief Educational Officer,
Kanchipuram District,
Kanchipuram – 631 502.

4.District Educational Officer,
Kanchipuram District,
Kanchipuram – 631 502.

5.E.Soundararajan ... Respondents in W.P.No.13674/2025

PRAYER in W.P.No.13674 of 2025: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records of the 1st respondent contained in its order dated 12.08.2024 bearing G.O.(1D)No.187 and quash the same as illegal, arbitrary and unjust.

For Petitioner : Mr.Suhrith Parthasarathy

For Respondents : Mr.K.H.Ravikumar,
Govt. Advocate for R1 to R4
Mr.R.S.Anandan for R5

COMMON ORDER

(Order of the Court was made by S.M.SUBRAMANIAM, J.)

The Contempt Petition has been filed to punish the respondents for their wilful disobedience of the order dated 03.03.2022 passed in W.A.No.2972 of 2021.



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2. The Writ Petition has been instituted challenging the order of dismissal from service. The Writ Petition came to be allowed and the School Management preferred W.A.No.2972 of 2021. The Division Bench of this Court dismissed the Writ Appeal with a direction to pay all terminal benefits together with interest (as per Rules/ Regulations in existence) due to the employee. The contempt Petition has been instituted for non-implementation of the order passed in the Writ Appeal.

3. The learned Government Advocate appearing on behalf of the State would contend that the 1st respondent Management suspended the contempt petitioner and thereafter dismissed him from service. However, the competent Authority of the Education Department have not approved either the suspension order or the termination order. It was a dispute adjudicated between the contempt petitioner and the Management in respect of the dismissal order passed. As far as the terminal and pensionary benefits are concerned, as per the orders of the Division Bench of this Court, the School Management submitted a proposal, which was received by the District Educational Officer on 19.09.2022 and all the terminal and pensionary benefits due to the contempt petitioner was settled within one month from the date of receipt of the pension proposal from the School Management. Thus, there was no delay in settling the terminal benefits and the Government is not

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obligated to pay interest for belated settlement of terminal and pensionary benefits.

4. Mr.Suhrith Parthasarathy, learned counsel appearing on behalf of the 1st respondent/ School Management would contend that this Court directed the Government to pay terminal benefits along with interests. Therefore, the Government has to pay interest, if any.

5. The learned counsel for the contempt petitioner would oppose by stating that the interest alone has not been paid and as far as the petitioner is concerned, he is entitled for interest, which may be paid either by the Government or by the Management, as the case may be.

6. While closing the present Contempt Petition on an earlier occasion on 12.12.2022, this Court considered this issue and made a finding in para No.7 of the order that the 1st respondent/ School Management would submit a proposal to the Government immediately and granted 30 days time for the Government to forward the pension proposal to be submitted by the School Management. It is further held that in case the proposal is not forwarded to the Government for payment of arrears of pension and interest is not paid by the 1st respondent to the petitioner within the timeline stipulated, it is open to the petitioner to reopen the contempt proceedings.



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7. The fact remains that the proposal was submitted on 19.09.2022

before the District Educational Officer. The Government also settled the pension within a period of one month and the petitioner received the same. Therefore, there was no administrative delay on the part of the Government in sanctioning the pension and disbursing the said amount to the contempt petitioner. Thus, the Government is not obligated to pay interest as there was no administrative delay nor the order of suspension or termination had been approved by the competent Authority of the Education Department.

8. Even as per Rules, pendency of disciplinary proceedings would be a bar for claiming interest for the retired employees. If at all the Courts found that the action of the Management is found to be erroneous and ordered for grant of interest, such interest must be claimed against the Management alone and not against the Government, since the Government in the present case has not approved the action of the School Management. No person can be allowed to receive public money in an unjust manner. If it is a dispute between the School Management and the teacher in respect of disciplinary proceedings, which has not been approved by the Government, then any interest or other benefits, which is not governed under the Government Scheme must be claimed against the Management.



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9. In the present case, as per the order of this Court pension proposal was submitted by the Management and Government had in time sanctioned the same. If at all the interest is not paid by the School Management to the petitioner, it was open to the petitioner to reopen the contempt proceedings. That being so, the School Management has to pay interest. In view of the order passed in the Contempt Petition by this Court on 12.12.2022, the 1st respondent Management has to pay the interest to the contempt petitioner.

10. Accordingly, the interest portion alone is to be paid by the Management to the petitioner within a period of six (6) weeks from the date of receipt of the copy of this order. With these directions the Contempt Petition stands **disposed of**.

11. The Writ Petition in W.P.No.13674 of 2025 has been instituted challenging the Government Order in G.O.(1D).No.187 dated 12.08.2024. The said Government Order shows that in respect of the Contempt Petition No.1628 of 2022 dated 12.02.2022, the School Management is responsible for the delay in settling the terminal and pensionary benefits due to the teacher. Therefore, the Government ordered that interest for the period from 31.07.2019 till 28.10.2022 is to be paid by the School Management.



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12. As far as the Government is concerned, as stated above, the competent Authority had not approved the order of suspension or dismissal passed by the School Management. Therefore, the Government passed an order in G.O.(1D).No.187 dated 12.08.2024 holding that the School Management is liable to pay interest for the interregnum period. The said order is in consonance with the directions issued by this Court. This Court directed that the teacher is eligible for interest, while so, the Government passed order settling all the terminal and pensionary benefits and further held that interest portion alone is to be paid by the Management.

13. The decision cannot be construed as infirm and accordingly, the Writ Petition stands **dismissed**. No costs. Consequently, the connected miscellaneous petitions are closed.

(S.M.S., J.) (C.K ., J.)
07.01.2026

dsa

Internet :Yes/No
Index :Yes/No
Neutral Citation :Yes/No
Speaking/Non-speaking order



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To

- 1.The Principal Secretary,
State of Tamil Nadu,
School Education Department,
Secretariat, Fort St. George,
Chennai – 600 009.
- 2.The Joint Director of School Education (Secondary),
DPI Campus, Chennai – 600 006.
- 3.Chief Educational Officer,
Kanchipuram District,
Kanchipuram – 631 502.
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S.M.SUBRAMANIAM, J.
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