

In the High Court of Judicature at Madras

Dated: 17.04.2015

Coram:

The Honourable Mr. Justice T.S.SIVAGNANAM

Contempt Petition No. 803 of 2015

Palaniammal ... Petitioner

vs.

Thiru.Rajmohan,
General Manager,
State Express Transport Corporation,
Pallavan Salai,
Chennai - 2. ... Respondent

PRAYER: Contempt Petition filed under Section 11 of the Contempt Courts Act praying to punish the respondent for their willful and deliberate disobedience of the order and direction dated 26.03.2014 in W.P.No.844 of 2011.

For Petitioner : Mr. V. Ajoykhose
For Respondent : Mr. P.Paramasivadoss

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ORDER

This Contempt Petition has been filed alleging wilful disobedience of the order and direction issued by this Court in W.P.No.844 of 2011 dated 26.03.2014. The said Writ Petition was filed by the respondent-Management challenging the award passed by the first respondent-III

Additional Labour Court, Chennai in I.D.No.19 of 2009, dated 30.10.2009. Pursuant to the compromise between the parties, the Writ Petition was disposed of by order dated 26.03.2014, recording the compromise. The operative portion of the order reads as follows :

"4.In the result, the joint memo signed by both parties is placed on record and the writ petition is disposed of accordingly in terms of the compromise. The benefits of gratuity and pension shall be paid by the petitioner Corporation to the second respondent within a period of eight weeks from the date of receipt of a copy of this order. No costs. The connected miscellaneous petitions are closed.

2. In terms of the above consent order, the benefits of gratuity and pension should be paid by the respondent-Corporation to the petitioner herein, who is the mother of the employee late V.Rajan. The petitioner alleges that till date, the consent order has not been implemented.

3. The learned Standing Counsel appearing for the respondent Corporation, on instructions, submitted that on 30.03.2015, a letter was sent to the petitioner, calling upon her to pay certain arrears to the tune of about Rs.4,500/-, which was payable by her late son and since the dues have not been remitted by the petitioner, the pension and gratuity could not be settled.

4. The learned counsel for the petitioner submitted, till date no such communication has been received.

5. Without going into the controversy as to whether the communication was sent and received by the petitioner, there shall be a direction to the respondent to send one more communication clearly indicating as to what are the dues payable and the amount of dues. On receipt of the said communication, the petitioner shall remit the same within a period of two weeks and from the date of remittance of the said amount, the respondent Corporation shall pay the pension and gratuity in terms of the consent order dated 26.03.2014.

6. With the above direction, the Contempt Petition is closed.

ATR/DS

SD/
DEPUTY REGISTRAR(OS)

//Certified to be true copy//

Dated at Madras this the day of 2015.

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COURT OFFICER(O.S.)

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SS/CO/20/02/2015

One CC to Mr.V.Ajoy Khose, Advocate, SR.5638

To

Thiru.Rajmohan,
General Manager,

State Express Transport Corporation,
Pallavan Salai,
Chennai - 2.