

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2015

CORAM

THE HONOURABLE MR.JUSTICE D. HARI PARANTHAMAN

Contempt Petition No.2958 of 2013

C.Chinnamani

.. Petitioner

Versus

Brigadier Suresh
Commandant,
The Madras Regiment,
Abhilek Kariyalaya,
Wellington, Nilgiris District 643 231.

.. Respondent

Petition under Section 11 of the Contempt of Courts Act, 70/71 to punish the respondents for having committed contempt of Court for disobeying the order dated 20.12.2006, made in W.P.No.9437 of 1999.

For petitioner : Mr.T.Saravanan

For Respondent : Mr.S.Rathnasabapathi

ORDER

It is stated by the learned counsel for the respondent that the writ appeal filed against the order, dated 20.12.2006, made in W.P.No.9437 of 1999, was dismissed and thereafter, the respondent has complied with the order and granted pension from 15.02.1995.

2. Learned counsel for the petitioner states that the petitioner is entitled to pension with effect from

23.06.1973, the date on which, he was discharged from service.

3. I am not able to see from the order in W.P.No.9437 of 1999, dated 20.12.2006 that a learned Single Judge has a given clear direction in the said writ petition to give pension from 1973 onwards. In fact, when the pension was given from 1995 onwards, the petitioner has filed W.P.No.24814 of 2011, questioning the same. The said writ petition was dismissed, with a liberty to seek remedy before the Armed Forces Tribunal. Thereafter, the petitioner has filed W.A.No.2486 of 2012 and the said Writ Appeal was disposed of on 07.11.2012. While disposing of the writ appeal, it is stated in Paragraph 8, as follows:

"8. As it is the case of the appellant that in spite of an order having been passed in the earlier round of litigation, as stated above, the respondents have not taken any steps, pursuant to the order passed by this Court, dated 20.12.2006, in W.P.No.9437 of 1999, by passing a favourable order, if the appellant is so advised, he is at liberty to initiate either contempt proceedings against the respondent or a review petition as against the aforesaid order passed by the learned single Judge, dated 20.12.2006, in W.P.No.9437 of 1999."

4. Therefore, the Division Bench also was not
<https://hcservices.ecourts.gov.in/hcservices/>
certain, as to whether, this Court in W.P.No.9437 of 1999,

dated 20.12.2006, has directed the respondent to give pension from 1973 onwards. That is why, the Division Bench has directed to file a review petition or contempt petition, as against the order, dated 20.12.2006, passed in W.P.No.9437 of 1999. Therefore, when there is no clear direction to give pension from 1973 onwards, I am of the view that the contemnor cannot be blamed for giving pension from the year 1995 onwards. The petitioner is at liberty to claim pension from the year 1973 itself, in the manner known to law.

5. In view of the above, this Contempt Petition is closed.

skm

SD/
DEPUTY REGISTRAR(OS)

//Certified to be true copy//

Dated at Madras this the day of 2015.

COURT OFFICER(O.S.)

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SS/CO/30/06/2015

Two CC's to Mr.S.Ratnasabapathy, SR.7253
one CC to Mr.T.Saravanan, Advocate, SR.7202