

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2016

CORAM:

THE HONOURABLE **MR.JUSTICE K.K.SASIDHARAN**

Cont.Petition No.1839 of 2015 and
Review Application No.112 of 2015

Cont.Petition No.1839 of 2015

M.Indira ...Petitioner

vs.

Mr.Atul Anand, IAS
Managing Director,
Electronics Corporation of Tamil Nadu Limited (ELCOT)
692, Anna Salai, MHU Complex, 2nd Floor,
Nandhanam, Chennai -35. ...Respondent

Petition filed under Section 11 of the Contempt of
Courts Act to punish the respondent for willful
disobedience of the order passed by this Court in M.P.No.1
of 2015 in W.P.No.12817 of 2009 dated 11.03.2015.

Review Application No.112 of 2015

The Managing Director,
Electronics Corporation of Tamil Nadu Limited (ELCOT)
692, Anna Salai,
Nandhanam, Chennai -35. ... Applicant

Vs.

1.M.Indira

2.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Information and Technology Department,
Fort St.George, Chennai - 600 009. ... Respondents

Review Application filed under Order 47 Rule-1 read

<https://hcservices.ecourts.gov.in/hcservices/>

with Section 114 of C.P.C., to review the order dated
11.03.2015 made in M.P.No.1 of 2015 in W.P.No.12817 of 2009.

For Petitioner/ : Mr.Sirajudeen, Senior Counsel for
 1st Respondent Mr.R.Rajamani for petitioner in
 Contempt Petition and
 1st Respondent in Review Application

For Respondents/ : Mr.Anand Gopalan for
 Applicant M/s.T.S.Gopalan and Co for
 Respondent in Contempt Petition
 and for Applicant in
 Review Application

COMMON ORDER

The petitioner in W.P.No.12817 of 2009 has come up with this contempt petition alleging willful disobedience of the order passed by this Court, dated 11.03.2015, on allegation that the order directing the respondent to treat her as Deputy Manager II and compute and disburse the retirement benefits was flouted with impunity.

2. The Management has come up with the review application on the ground that the employee filed the contempt petition, claiming certain benefits on the basis of the order dated 28.05.2005, which was never acted upon.

3. Heard the learned for the petitioner in the review petition and the learned Senior Counsel for the respondent, who is the petitioner in the contempt petition.

4. This Court passed an order dated 11 March 2015 in
<https://hcservices.ecourts.gov.in/hcservices/>
 M.P.No.1 of 2015 clarifying the earlier order dated
 10.02.2011. The petition was filed by the writ petitioner,

pursuant to the liberty granted by the learned Judge. There was no direction to pay the benefits to the writ petitioner with effect from 23.05.2005. Even then, the writ petitioner claimed salary after the order dated 11.03.2015. The Management therefore filed the review application.

5. The writ petitioner, who is the petitioner in the contempt petition contended that she is entitled to the benefits by treating her as Deputy Manager II as on 23.05.2005. In case, the petitioner in the contempt petition was promoted on 23.05.2005 and the order was implemented, there was no need for her to make a prayer in W.P.No.12817 of 2009 to promote her to the post of Deputy Manager II with effect from 23.05.2005.

6. The learned Judge allowed the writ petition and quashed the order of recovery. Even though, a prayer was made to promote the petitioner in the contempt petition as Deputy Manager II with effect from 23.05.2005, no such order was issued by the learned Judge. The petitioner, in the contempt petition, is therefore not correct in her claim for promotion from 23.05.2005 and payment of retirement benefits.

7. The Management has paid the benefits pursuant to the order dated 11.03.2015. The Management has come up with the review application on account of the unreasonable stand

taken by the petitioner in the contempt petition, even after payment of the entire benefits, pursuant to the order passed in M.P.No.1 of 2015 dated 11.03.2015. The petitioner in the contempt petition insisted that she should be paid benefits in the promoted post from 23.05.2005. The order passed by this Court, in fact, does not require any review. The order is very clear that the petitioner is entitled to the benefits only from 25.02.2008. The Management has already paid the benefits to the petitioner. I am therefore of the view that the Management has fully complied with the order passed by this Court.

8. In view of the compliance of the order passed by this Court, the contempt petition is closed.

9. The Review application is disposed of with the above observation. No costs.

SD/
JOINT REGISTRAR(OS)

svki

//Certified to be true copy//
Dated at Madras this the day of 2016.

COURT OFFICER(O.S.)
From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

SS/CO/20/12/2016

To

1.Mr.Atul Anand, IAS
Managing Director,
Electronics Corporation of Tamil Nadu Limited (ELCOT)
692, Anna Salai, MHU Complex, 2nd Floor,
Nandhanam, Chennai -35.

2.The Secretary to Government,
The State of Tamil Nadu,
Information and Technology Department,
Fort St.George, Chennai - 600 009.

One CC to Mr.R.Rajamani,Advocate, SR.12121/2016

One CC to M/S.T.S.Gopalan, Advocate, SR.12019/2016



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