

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE **T.RAJA**

Contempt Petition No.372 of 2015

S.Arunachalam

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Petitioner

Vs

1. Mr. R. Sugumaran,
The District Elementary Educational Officer,
Perambalur.

2. Mr.R.Elangovan,
The Assistant Elementary Educational Officer,
Sendurai, Perambalur District,
Now Ariyalur District.

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Respondents

Prayer : Contempt Petition filed under Section 11 of the Contempt of Court Act to punish the respondents for willfully disobeying the order of this Court passed in Review Application No.43 of 2014 dated 11.4.2014 and to deal with them in accordance with law.

For Petitioner : Mr.K.Kumaresh Babu

Mr.Fr.A.Xavier Arul Raj,
Senior Counsel,
Amicus Curiae

For Respondents : Mrs.P.Kavitha,
Govt. Advocate

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ORDER

This Court, by order dated 11.4.2014 in Review Application No.43 of 2014 filed against the Writ Petition No.31127 of 2006 (O.A.No.2695 of 1998) quashing the order

passed by the respondents dated 23.3.1998 in proceedings No.R.C.No.2197/A/2/97, directed the respondents to sanction and pay monetary and other attendants benefits to the petitioner within a period of eight weeks from the date of receipt of a copy of this order. Subsequently, that order has been belatedly complied with by disbursing the salary for the period as follows

1	Pay from 14.7.1997 to 4.10.1997	Rs.121167	Dated 22.6.2015
2	EL Surrender	Rs.12721	Dated 21.7.2015
3	Bonus	Rs.4834	Dated 14.08.2015
4	Gratuity	Rs.6204	Dated 26.08.2015

2. Although the order has been duly complied with, one another incidental grievance has been brought to this Court saying that when the direction was given by an order dated 11.4.2014 to sanction and pay the monetary and other attendants benefits to the petitioner within a period of eight weeks from the date of receipt of a copy of that order, even after expiry of the eight weeks time, which falls on 3.8.2014, the respondents have committed default in not complying with the above said order. Because there has been a delay of 7 months to comply with the order. As a result, the petitioner claims interest on the belated payment of the benefits, salary

and other service benefits. Therefore, the learned Senior Counsel appearing for the petitioner sought for 12% interest which comes to Rs.26,130/-.

3. Per contra, the learned Government Advocate appearing for the respondents dismissing the contentions raised by the petitioner for payment of interest at the rate of 12% on the belated payment, submitted that if at all this court holds in favour of the petitioner that the respondent has committed delay in disbursing the service benefits, the G.O.106, Finance (Allowances) Department, dated 28.4.2014 would apply which shows that the rate of interest on the accumulation at the credit of the subscribers to the Provident Funds for the financial year 2014-2015 commencing from 1.4.2014 would be 8.7% per annum with effect from 1.4.2014.

4. By order dated 11.4.2014, this Court allowing the Review Application No.43 of 2014 directed the respondents to sanction and pay the monetary and other benefits to the petitioner.

5. A mere perusal of the calculation memo, which is extracted below, would indicate the interest payable for the belated payment.

Details of Arrears	Period of Arrears	Amount	Date of Arrears received	No. of days eligible for interest (11.08.2014)	Total Amount interest as 12%	Total Amount interest as 8.7%
Suspension Period Arrears	14.07.97 to 30.11.1999	Rs.121167/-	22.06.15	315 days	12548	9098
Extension Period Salary	01.12.1999 to 31.05.2000	Rs.1448/-	25.11.15	471 days	225	163
Pongal Bonus	1997-1998	Rs.2417/-	19.08.15	373 days	296	215
Pongal Bonus	1998-1999	Rs.2417/-	19.08.15	373 days	296	215
Earned Leave	27 days	Rs.1272/-	27.07.15	350 days	1464	1062
Pension Arrears	01.12.1999 to	Rs.68090/-	21.09.15	406 days	9089	6589
DCRG		Rs.6204	31.08.15	385 days	785	570
CVP		Rs.6904	21.09.15	406 days	921	669
Grand Total					25624	18581

सत्यमेव जयते

6. Accepting the calculation memo filed by the respondents, only Rs.18,581/- as calculated by the respondents at the rate of 8.7% per annum is hereby directed to be paid to the petitioner as interest on belated payment of the amounts, within a period of four weeks from the date of receipt of a copy of this order.

7. This Contempt Petition is disposed of with the above direction. No costs.

Msr

SD/
JOINT REGISTRAR(OS)

//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.

To

1. Mr. R. Sugumaran,
The District Elementary Educational Officer,
Perambalur.
2. Mr.R.Elangovan,
The Assistant Elementary Educational Officer,
Sendurai, Perambalur District,
Now Ariyalur District.

JM/CO/02/06/2016

One CC to Government Pleader, SR.4731/2016
One CC to M/s.Kumaresh Babu, Advocate, SR.11415/2016
One CC to Dr.FR.A.Xavier Arul Raj, Advocate, SR.4740/2016

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