

Sub.Appl.No.519 of 2019 in Cont.P.No.2796 of 2016

T.S.SIVAGNANAM,J

This is a petition filed by the petitioner seeking to reopen the contempt petition, which was closed by order dated 10.11.2016 on the ground that the respondent – management filed a writ appeal before the Hon'ble Division Bench of this Court along with the condone delay petition in CMP.No.14426 of 2016 in W.A.SR.No.61426 of 2016.

2. Thereafter, the petitioner obtained information from the official website and found that the said civil miscellaneous petition furnished by the respondent – management was incorrect and that it pertains to a civil matter. Therefore, the petitioner has filed this petition to reopen the contempt petition.

3. A counter affidavit has been filed by the Managing Director of the respondent – management accepting the fact that a wrong case number has been given before this Court when the contempt petition was closed on 10.11.2016. It is further stated that the respondent – management complied with the direction issued by this Court, that a sum of Rs.2,44,542/- had been deposited and that the petitioner had also withdrawn 50% of the same. With regard to wrong case number given, it is submitted that it is an inadvertent mistake.

4. Though it is stated that the condone delay petition was last listed on 30.9.2016, till date, no steps have been taken by the respondent – management to move the same. The second limb of the directions issued by

this Court in the order dated 27.11.2015 in MP.No.2 of 2015 in WP.No.21932 of 2014 has been complied with.

5. The learned Standing Counsel appearing for the respondent – management submits that unless the petitioner cooperates in filling up the requisite forms for processing the pension papers, the application could not be processed.

6. However, the learned counsel for the petitioner would contend that the petitioner has already submitted the requisite forms and this is being denied by the learned Standing Counsel for the respondent – management.

7. Considering the dispute between the parties, this Court is inclined to issue appropriate directions.

8. Accordingly, the petitioner is permitted to withdraw the remaining 50% of the amount, which is now lying in an interest bearing account on a petition being filed in C.P.No.264 of 2012 on the file of the Third Additional Labour Court, Chennai. As and when the petition is filed, the Labour Court is directed to pass appropriate orders permitting the petitioner to withdraw the balance 50% of the amount along with accrued interest. The petitioner is directed to appear in the office of the respondent on 18.12.2019 and on that day, the petitioner shall be furnished all the requisite forms for his signature. Since it is stated that the forms are submitted by the petitioner, the respondent – management shall process the pension papers.

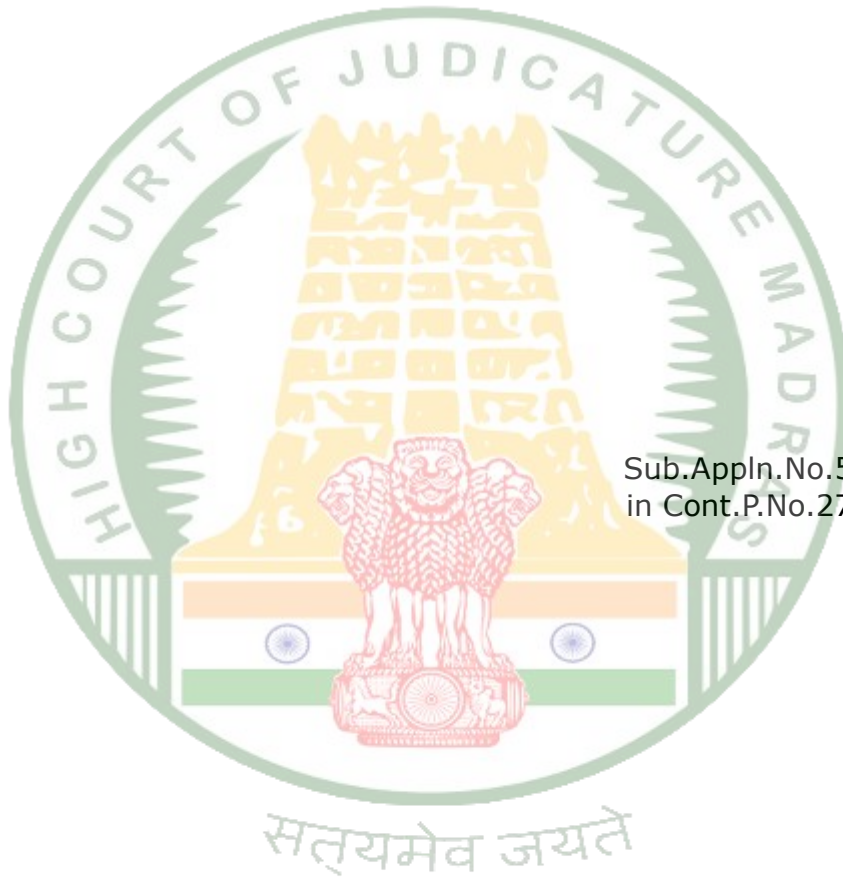
9. List on 08.1.2020 for reporting compliance.

11.12.2019

Sub.A.No.519/2019

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