

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.11.2017

CORAM :

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM

Contempt Petition No.1852 of 2015

G.Ramakrishnan
T-4 Kings Park
25/1 SSR Pankajam Salai,
Saligramam, Chennai 600 093. .. Petitioner

Vs.

1.Thiru.Apurva Varma, I.A.S.,
Principal Secretary to Government of Tamil Nadu,
Home (OP-I) Department, Secretariat,
Fort St.George, Chennai - 600 009.
2.Tmt.B.Maheswari, I.A.S.,
Joint Secretary to Government of Tamil Nadu,
Home (OP-I) Department, Secretariat,
Fort St. George, Chennai - 600 009. .. Respondents

Prayer :

Contempt Petition filed under Section 11 of the
Contempt of Courts Act, to punish the respondents for
willfully disobeying the orders passed by this Court dated
01.04.2014 in W.P.No.12600 of 2007, dated 25.07.2014 in
Review Petition No. 219 of 2014.

For Petitioner : Mr.V.Kalyanaraman
for Aiyar and Dolia
For Respondents : Mr.K.Dhananjayan
Special Government Pleader

ORDER

The Contempt Petition is filed against the orders passed in W.P.No.12600 of 2007 dated 01.04.2014 and the order passed in Review Application No.219 of 2014, dated 25.07.2014.

2.This Court has passed an order directing the respondents to reinstate the petitioner in service and thereafter, it was clarified in the Review Application that the petitioner was entitled for back wages from 31.10.2000, till the date of his retirement. Accordingly, the respondents issued a letter No.58853/OP-I/2015-8, dated 20.9.2017, and the relevant paragraphs are extracted here under :

"2. In this connection, I am to state that in obedience to the orders of the Hon'ble High Court of Madras in the references first and second cited, the Government in G.O. (2D) No.158, Home (OP-I) Department, dated 08.05.2015 have ordered to pay the backwages to Thiru. G.Ramakrishnan, formerly Assistant Section Officer (Retired), Home Department, for the period from 31.10.2000 to till the date of his retirement (i.e.) 31.05.2007 and also the pay of the individual was also regulated till 31.05.2007 (i.e. The date of

superannuation) vide office proceedings fourth cited. Consequent to the regulation of his pay, he was paid pay fixation arrears to the tune of Rs.14,28,692/- (Rupees Fourteen lakhs twenty eight thousand six hundred and ninety two only).

3. Further in the Government letter eighth cited, necessary proposal has been sent to the Principal Accountant General, Chennai-18 for sanction of pension, commutation of pension, DCRG, final closure of General Provident Fund, etc.,

4. In the office proceedings ninth cited, sanction is accorded for encashment 240 days of earned leave and 48 full days (i.e. 96 half days) of unearned leave on private affairs at his leave account credit as on 31.05.2007 (i.e. the date of superannuation) and the bill for an amount of Rs.2,54,622/- (Two lakhs fifty four thousand six hundred and twenty two only) was presented to the pay and Accounts Officer, Secretariat, Chennai-9 and token No. is 21386/- dated 20.09.2017."

3. As per the 2nd paragraph of the Government letter

cited supra, already the pay fixation arrears amount of Rs.14,28,692/- (Rupees fourteen lakhs twenty eight thousand six hundred and ninety two only) has been disbursed to the petitioner and the learned counsel appearing for the

petitioner also admits that the said amount has been received by the petitioner.

4. The learned counsel for the petitioner further states that the due amounts of Commutation of Pension, DCRG, Leave Salary etc., has not been paid to the petitioner. In this regard, Paragraph -3 of the Government letter states that the Government proceeding dated 14.09.2017, sent necessary proposal to the Principal Accountant General, Chennai-18, for sanction of pension, commutation of pension, DCRG, final closure of General Provident Fund etc.,

5. Thus, the petitioner has to pursue the proposal with the Principal Accountant General, Chennai - 18 for the disbursement of the said amount as per the proposal submitted by the Government in letter dated 14.9.2017. As far as the respondents are concerned, they have disbursed the pay fixation arrears to the petitioner directly and in respect of all other pensionary benefits, they have already sent a proposal to the Principal Accountant General, Chennai -18 and thus there is no point in keeping the contempt petition pending and this Court expects that the respondents will take further action without any delay and settle all the amounts to the petitioner in this regard as per the proposal. Thus, no further adjudication is required in this contempt petition as the respondents have not committed any contempt.

6. Accordingly, the contempt petition stands closed.

SD/-

ASSISTANT REGISTRAR (COM.CASES)

stm

//Certified to be true copy//

Dated at Madras this the day of 2017.

COURT OFFICER (O.S.)

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KR/CO/09/01/2018

To

1. Thiru. Apurva Varma, I.A.S.,
Principal Secretary to Government of Tamil Nadu,
Home (OP-I) Department, Secretariat,
Fort St. George, Chennai - 600 009.

2. Tmt. B. Maheswari, I.A.S.,
Joint Secretary to Government of Tamil Nadu,
Home (OP-I) Department, Secretariat,
Fort St. George, Chennai - 600 009.

one cc to the Government Pleader, SR.No.12791.

one cc to the M/s. Aiyar and Dolia, SR.No.12692.