

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2017

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Contempt Petition No.2791 of 2015

D.A.Mohamed Khan ..Petitioner
Vs.

1.Mr.Sunil Paliwal,
The Commissioner,
Milk Production and
Dairy Development Department,
Madhavaram Milk Colony,
Chennai - 600 051.

2.Mr.Sunil Paliwal,
The Managing Director,
Tamil Nadu Co.op.Milk Producers,
Federation Limited,
Madhavaram Milk Colony,
Chennai - 600 051.

3.Mr.T.Balaji,
The Managing Director,
Coimbatore District Co-operative
Milk Producers Union Ltd.,
Pachapalayam,
Coimbatore - 641 010.

...Respondents

Prayer : Contempt Petition filed under Section 11 of the
Contempt of Courts Act, to punish the respondents for
committing grave contempt and gross disobedience and
violations of the order passed by this Hon'ble Court in
W.P.No.16094 of 2007 dated 19.10.2010.

For Petitioner : M/s.S.Kalyani

For Respondent : Mr.L.P.Shanmugasundaram
Special Government Pleader
(Co-operatives) for R1
Mr.R.BalaRamesh for R2 & R3

O R D E R

The learned standing Counsel appearing for respondents 2 and 3 by citing the counter affidavit filed by the 2nd respondent submitted that the order passed by this Court in W.P.No.16094 of 2007 dated 19.10.2010 has been complied with. In this regard, paragraph 6 of the counter is extracted hereunder:

"6. In reply to para 6 (A) (a) I submit that eligible Earned Leave has been calculated as per the service Register maintained by the Federation which mentions only 140 days and not 213 days as contended by him.

S.No	Nature of Leave	No. of days sanctioned by the Federation	No. of days requested by the petitioner
1	Unearned Leave on Private Affairs	180 days	-----
2	Privilege Leave	140 days	213 days

It is further submitted that the Hon'ble High Court of Madras in its orders dated 19.10.2010 on Writ Petition No.16094 of 2007 specifically directed to release the retirement benefits along with interest at 9% from the date of filing Writ Petition i.e. from 19.04.2007 and the same has been settled. The petitioner herein in order to harass the Second Respondent, has chosen to seek relief other than what has been ordered by the Hon'ble High Court by requesting payment of interest from the date of retirement and not from the date of filing the Writ Petition for Gratuity, UEL on Private Affairs and Encashment of Privilege Leave.

In reply to para 6 (A) (b), I submit that as per the Service Register his entitlement for Earned Leave was 140 days and the Private Affairs leave of 90 days (i.e 50 percentage of 180 days) have been fully settled along with the interest. The Petitioner herein is again asking for the release of interest from 01.07.2006 i.e., the next day from the date of his retirement though the Hon'ble High Court ordered for payment of interest from the date of filing of Writ Petition.

In reply to para 6 (A) (c) I submit that the TCMPF Employees Superannuation Fund settled with 9% interest as per the Hon'ble Madras High Court from 19.04.2007 to 17.12.2013 as detailed below:

SI.No	Details	Amount (Rs)
1	Subscription amount	12,930.00
2	Interest 9%(from the date of Writ Petition to date of settlement)	7,758.00
Total		20,688.00

In reply to para 6 (A) (d) I submit that whatever the individual was legally entitled to has been settled and now under the pretext of Contempt Application, the Petitioner herein has resorted to seek further relief by requesting interest from 01.07.2006 which was not ordered by the Hon'ble High Court in its order dated 19.10.2010 as the Hon'ble High Court has specifically directed to release the terminal benefits with 9% interest from the date of filing of the Writ Petition i.e. from 19.04.2007."

2.The learned counsel for the petitioner states

leave salary and other benefits. However, this Court cannot go into the details regarding the calculation of the terminal benefits. If the petitioner is of the view that there is some error in respect of calculation, it is left open to the petitioner to submit representation in this regard to the respondents, citing the errors if any and the respondents are at liberty to consider the same in accordance with the rules.

3. Thus, no further adjudication is required in this contempt petition. Accordingly, the contempt petition stands closed.

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SD/-
ASSISTANT REGISTRAR (OS-I)

//Certified to be true copy//

Dated at Madras this the day of 2017.

COURT OFFICER(O.S.)

from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.

SPN/CO/28/12/2017

To

1.Mr.Sunil Paliwal,
The Commissioner,
Milk Production and
Dairy Development Department,
Madhavaram Milk Colony,
Chennai - 600 051.

2.Mr.Sunil Paliwal,
The Managing Director,
Tamil Nadu Co.op.Milk Producers,
Federation Limited,
Madhavaram Milk Colony,
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3.Mr.T.Balaji,
The Managing Director,
Coimbatore District Co-operative
Milk Producers Union Ltd.,
Pachapalayam,
Coimbatore - 641 010.

one cc to the M/s.S.Kalyani, Advocate, SR.No.13477.

one cc to the M/s.R.Balaramesh, Advocate, SR.No.13691.

one cc to the Government Pleader, SR.No.13720.

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