

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 18.09.2017

Delivered on : 12.10.2017

CORAM:

**THE HONOURABLE MR.JUSTICE M.VENUGOPAL
and
THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU**

CONTEMPT PETITION No.498 of 2017

Tamil Nadu Temple's Retired Employees
Association (Reg. No: 169/2010)
Rep. By its President C.Kandaswamy,
No.6, Rajiv Gandhi Street,
Illango Nagar, Virugambakkam,
Chennai – 600 092.

... Petitioner

-VS-

1.Mr.T.K.Ramachandran,
The State of Tamil Nadu, rep. By its
Secretary to Government,
Tamil Development Culture and Religious
Endowment Department,
Fort St. George, Chennai – 600 009.
2.Dr.M.Veerashanmuga Moni,
The Commissioner,
Hindu Religious cum Charitable Endowment
Nungambakkam,
Chennai – 600 034.

... Respondents

PRAYER: Petition filed under Section 11 of the Contempt of Courts Act,
praying to punish the 2nd Respondent for willfully disobeying the order
passed by this Court dated 07.04.2014 in W.P.No.33936 of 2013 followed by

the order dated 05.03.2015 made in M.P.No.1 of 2015 in W.A.No.326 of 2015.

For Petitioner : Dr.R.Gouri
For Respondents : Mr.M.Maharaja
Special Govt. Pleader (H.R.&C.E.)

ORDER

M.VENUGOPAL, J.

The petitioner has preferred the instant Contempt Petition before this Court praying for passing of an order by this Court to punish the 2nd Respondent for wilfully disobeying the order passed by this Court in W.P.No.333936 of 2013 dated 05.03.2015, followed by the order dated 05.03.2015 made in M.P.No.1 of 2015 in W.A.No.326 of 2015.

2.The Learned Counsel for the Petitioner submits that the Petitioner/Association filed Contempt Petition No.3367 of 2014 before the Learned Single Judge of this Court regarding the non compliance of the order dated 07.04.2014 in W.P.No.33936 of 2013 and since the W.A.No.326 of 2015 was filed by the Respondents before this Court, the Contempt Petition has been closed on 08.03.2016.

3.The core contention advanced on behalf of the Petitioner is that in M.P.No.1 of 2015 in W.A.No.326 of 2015 filed by the Appellants/Petitioners/, this Court, at paragraph 4, had observed the following:

“4.Thus, while admitting the appeal for consideration in the light of the said decision, we are of the, prima facie, considered view that the employees are entitled to benefits under the provisions of the Payment of Gratuity Act, as observed by the Learned Single Judge, during the pendency of this Appeal. Accordingly, this miscellaneous petition is dismissed.”

4.Therefore, it is projected on the side of the Petitioner/ Association that despite the positive direction being issued to the Respondents to the effect that the employees are entitled to under the provisions of the Payment of Gratuity Act, 1972 during the pendency of Appeal, the act of the Respondents/Petitioners in not disbursing the gratuity amount and therefore, the present Contempt Petition is filed to punish the 2nd Respondent for wilful disobedience of the order passed in W.P.No.33936 of 2013 and in M.P.No.1 of 2015 in W.A.No.326 of 2015.

5. Since the Petitioner/Association has admittedly not made any representation so far after the order dated 07.04.2014 in W.P.No.33936 of 2013 enclosing the names and details regarding service particulars of its members as permitted in that order and that part of the order has been set aside by our judgment passed today in W.A.No.326 of 2015, we are of the considered view that nothing remains for adjudication in the contempt petition and accordingly, the same is closed. No costs.

[M.V.J.] [P.D.A.J.]
12.10.2017

Index : Yes / No
 Internet : Yes / No
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To

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M.VENUGOPAL, J.
and
P.D.AUDIKESAVALU, J.

sj



order in
CONTEMPT PETITION No.498 of 2017

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