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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.09.2018

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THE HONOURABLE MR. JUSTICE **M.S. RAMESH**

CONT.P.No.734 of 2017

Mr.K.V.Raman

...Petitioner

Vs

Dr.T.V.Duraipandi,
The Deputy General Manager,
Canara Bank, HRM Section,
Circle Office,
563/1, Anna Salai, Teynampet,
Chennai-600 018.

...Respondent

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 praying to initiate contempt proceedings against the respondent for committing willful disobedience of the order dated 10.02.2017 passed by this Court in W.P.No.14147 of 2011.

For Petitioner : M/s.V.J.Latha

For Respondent : Mr.P.Ragunathah
for Mr.T.S.Gopalan & Co.

ORDER

This petition has been filed to initiate contempt proceedings against the respondent for committing willful disobedience of the order dated 10.02.2017 passed by this



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2. This Court by an order dated 10.02.2017 in W.P. No. 14147 of 2011, set aside the award passed by the Central Government Industrial Tribunal cum Labour Court, Chennai and the respondent bank was directed to release the stagnation increment to the petitioner along with entire arrears. By making such observations, the prayer in the writ petition in W.P.No.14147 of 2011, to set aside the award passed in I.D.No.10/2010, dated 24.01.2011 and consequently directing the respondent bank to release stagnation of increment to the petitioner along with arrears of wages together with interest @ 18% per annum was allowed.

3. Pursuant to the orders of this Court, the petitioner had filed a contempt petition, stating that the earlier said order of this Court dated 10.02.2017 was disobeyed. When the contempt petition came up for admission, a submission was made by the learned counsel appearing for the respondent bank, stating that they had preferred a writ appeal and therefore, the contempt petition was kept adjourned time and again.

4. Subsequently, the W.A. No.617 of 2007 came to be dismissed by the Hon'ble Division Bench on 20.11.2017, with an observation that the order in the writ petition requires



no interference.

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5. Pursuance to the order in the Writ Appeal, the respondent/contemnor had preferred SLP No. 5477 of 2018 on 21.02.2018, which also came to be dismissed on 09.03.2018, keeping question of law open.

6. In these circumstances, the petitioner had once again made a request to the respondent to release the stagnation increment along with interest @ 18% p.a. After pursuation, the respondent had released stagnation increment along with entire arrears through letter dated 15.03.2018. The said letter dated 15.03.2018 is produced before this Court.

7. Today, when the matter was called, the learned counsel for the petitioner submitted that the earlier order of this Court dated 10.02.2017 passed in W.P. No 14147 of 2011 is yet to be complied with, since the interest on the arrears of stagnation increment has not been paid and according to the learned counsel for the petitioner, the same amounts to disobedience of this Court's order dated 10.02.2017 passed in W.P.14147 of 2011. Hence, it would be appropriate to observe the conduct of the contemnor during the entire episode, commencing from passing of the order, which came to be passed on 10.02.2017.



7.1. Pursuant to the said order of this Court, the petitioner herein had made request to the contemnor to release the stagnation increment along with arrears only on 20.12.2017. Since there was no response from the respondent/contemnor, he had issued a contempt notice on 12.03.2017. In spite of the same, he was not acted upon. This prompted the petitioner to file the present contempt petition on 12.04.2017. When the contempt petition came up for hearing on 01.11.2017, it was brought to my notice that the order passed in W.P. No.14147 of 2017 has been challenged in Writ Appeal in W.A. No.617 of 2017 and an order of interim stay was also granted on 26.10.2017.

7.2. In these circumstances, this Court felt it would appropriate to close the contempt petition for the present, since the writ appeal was pending and this Court was of the view that it may take some time to dispose of. However, the petitioner was granted liberty to take steps to reopen the contempt petition, in case he succeeds in the writ appeal. Subsequently, on 20.11.2017, the Writ Appeal came to be dismissed and therefore, the contempt petition was again reopened at the instance of the petitioner.

8. When the matter is called today, Mr.T.V.Duraipandi, Deputy General Manager, Canara Bank, HRM Section, Circle Office, who is the respondent herein has filed an affidavit dated 17.09.2018, wherein, apart from



tendering unconditional apologies, he has stated that their Bank had complied with the order of this Court dated 10.02.2017 by crediting a sum of Rs.5,29,752/- to the account of the petitioner on 06.09.2018 and further sum of Rs.12,33,038/- on 07.09.2018, towards the petitioner's stagnation increments. Apart from the aforesaid stagnation increment, they had also credited a sum of Rs.15,28,820/- towards interest at the rate of 18% per annum on the stagnation increments after deducting the TDS of Rs.1,76,313/-. In addition to the aforesaid payment, a sum of Rs.2,35,284/- was also credited to the petitioner's account towards the consolidated payment on account of the differential interest on the stagnation increment, pension, computation and PF.

9. The receipt of the gross payment of Rs.19,98,074/- is acknowledged by the petitioner herein.

10. In view of the payments made by the respondent, this Court is of the view that there is no wilful disobedience on the part of the respondent herein. It is made clear that the Canara Bank shall not cite the present contempt proceedings as an impediment for the release of any retirement benefits or other service benefits to which the petitioner may be otherwise entitled to.



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11. With the above observations, the contempt petition stands closed.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

rts/gbi

//Certified to be true copy//

Dated at Madras this the day of 2018.

COURT OFFICER (O.S.)

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PS/05/10/2018

To
The Deputy General Manager,
Canara Bank, HRM Section,
Circle Office,
563/1, Anna Salai, Teynampet,
Chennai-600 018.

one cc to Ms.V.J.Latha, Sr.NO.13578