

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.03.2017
Coram

The Hon'ble Mr. Justice T.Raja

Contempt Petition No.801 of 2016

C.Chellammal

...Petitioner

Vs.

Mr.S.Thiruganasambandam,
Managing Director,
The Chennimalai Weavers Co-operative
Society Ltd., K.885,
Chentex Mill,
Chennimlai,
Erode District.

(Name of the respondent is amended as per order, dated
21.11.2016
in Sub. Application No.651 of 2016, of this Contempt
Petition)

...Respondent

Contempt Petition, filed under Section 11 of the
Contempt of Courts Act, to punish the respondent for wilful
disobedience of the order passed by this Court in
W.P.No.13192 of 2010, dated 02.01.2014.

For Petitioner : Mr.J.Muthukumaran

For Respondent : Mr.S.V.Jayaraman,
Senior Counsel for
Mr.R.M.Nazirullah

O R D E R

This Contempt Petition has been filed by the
petitioner, who is the mother of the writ petitioner-

C.Ravi, (since deceased) to punish the respondent for
having committed contempt of Court for willfully disobeying

the order and direction issued by this Court, in W.P.No.13192 of 2010, dated 02.01.2014,

2. This Court, by the aforesaid order, directed the respondent herein to implement the order, dated 01.07.2002, passed by the Deputy Chief Inspector of Factories, Erode, by giving all the consequential benefits to the writ petitioner. Since the said order has not been complied with, the petitioner/mother has filed this Contempt Petition.

3. Heard the learned counsel appearing for the petitioner and the learned Senior Counsel for the respondent.

4. When the Contempt Petition was taken up for hearing on 29.03.2016, this Court, due to non-compliance of its order, dated 02.01.2014, issued statutory notice to the respondent. Thereafter, when the matter was taken up on 29.09.2016, Mr.L.P.Shanmugasundaram, learned Special Government Pleader, who represented the respondent-Society on the said day, produced a letter, dated 28.09.2016, addressed to the petitioner, wherein, it is stated that, since the son of the petitioner died in an accident, the Society took a decision to disburse the benefits to her, [viz., a sum of Rs.2,708,50 towards salary (for May, 2014); a sum of Rs.74,910,00 towards gratuity amount; a sum of Rs.8,400/- towards bonus (for 2013-14); and a sum of Rs.1,400/- towards bonus (for 2014-15), totaling, a sum of

Rs.87,418.50], and a cheque has also been drawn for the said sum of Rs.87,418.50 on Bharath State Bank, bearing No.637370/-, dated 28.09.2016, and insofar as settlement towards provident fund, a sum of Rs.2,09,699/- is proposed to be disbursed, for which sake, the petitioner was asked to produce the death certificate, bank account number, legal heirship certificate of the deceased. However, the learned counsel for the petitioner sought time to file an affidavit, as proof to show that the petitioner is the only legal heir of the deceased, as such, she is entitled to receive the said benefits. Thereafter, on 21.11.2016, when the Contempt Petition was taken up, the learned counsel for the respondent has drawn this Court's attention to a proceeding, dated 16.11.2016, and submitted that, as per the direction issued in W.P.No.13192 of 2010, the respondent-Society took a decision in favour of the contempt petitioner, (i.e. to disburse all service benefits to the contempt petitioner), since the petitioner has not produced legal heir ship certificate, payments have not been effected. However, the learned counsel for the petitioner sought for two weeks' adjournment, to verify as to what are the benefits, that were paid and unpaid, and also for filing an affidavit for the purpose, as mentioned supra. Thereafter, on 01.03.2017, when the matter was taken up, since it is brought to the notice of this Court by the learned counsel for the petitioner that there is

some discrimination with regard to the disbursal of the benefits, the respondent was directed to produce documents pertaining to the disbursal of the benefits to the four other employees, who were conferred permanent status, like that of the petitioner's son, and adjourned the matter to 08.03.2017. Accordingly, the matter was listed on 08.03.2017, and since the documents, as sought for, by order, dated 01.03.2017, were not produced, this Court directed the respondent to appear before this Court on 22.03.2017 and to render explanation for non-production of documents.

5. Today, when the Contempt Petition is taken up, the learned Senior Counsel for the respondent submitted that the respondent-Society settled the benefits by way of cheque, drawn for a sum of Rs.87,418.50 on Bharath State Bank, bearing No.637370/-, dated 28.09.2016, towards full and final settlement of the claim made by the petitioner, which fact is not disputed by the learned counsel for the petitioner, and insofar as settlement towards provident fund of Rs.2,09,699/- is concerned, the learned Senior Counse submitted that the petitioner has to approach the Regional Provident Fund Officer, Employees' Provident Fund, Salem, for disbursal.

6. In the light of the above, this Contempt Petition stands closed. After the above order was dictated, the learned counsel for the petitioner prays that

appropriate direction may be issued to the Regional Provident Fund Officer, Employees' Provident Fund, Salem, to disburse the provident fund amount also. Though this Court is not inclined to entertain any more request other than the prayer sought for herein, in view of the fact that the petitioner has lost her one and only son, and she is a sexagenarian, as could be seen from the Legal Heir Certificate issued by the Tahsildar, Perundurai, dated 26.06.2014, this Court directs the petitioner to approach the Regional Provident Fund Officer, Salem, with representation for settlement of Provident Fund, along with copy of this order, within a period of two weeks from the date of receipt of a copy of this order. On such representation being made by the petitioner, the Regional Provident Fund Officer, Salem, shall consider the same and do the needful forthwith without causing any delay. No costs.

सत्यमेव जयते

SD/-

JOINT REGISTRAR(OS) (i/c)

sd

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Dated at Madras this the day of 2017.

COURT OFFICER(O.S.)

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1. C.Chellammal,
No.131, Thagadur, Kovilpalayam,
PRS Road,
Pidariyur Post,
Chennimalai (Via)
Erode District-638 051.

2. The Regional Provident Fund Officer,
Salem.

Note :

In the Docket order dt.29.09.2016, it was stated as the petitioner has received the Provident Fund of Rs.2,09,699/- by cheque, bearing No.637370, dated 28.09.2016 is eschewed.

one cc to J.MUTHUKUMARAN, ADVOCATE, sr.No.4436

one cc to M/s.K.V.Shanmuganathan, sr.No.4436/17

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