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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 06.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CONT.P.(MD) No.1368 of 2016
in

W.A.(MD) No.1395 of 2013

M.Kanagasundaram ... Petitioner/Appellant
-vs-

- 1.Chandrakant B Kamble
The State of Tamil Nadu
rep.by the Secretary to Government
Transport Department
Fort.St.George, Chennai-2
- 2.Arumugam
The Administrator
Tamil Nadu State Transport Corporation
Employees Pension Trust
SETC Head Office, Thiruvalluvar House
Chennai-600 002
- 3.Balakrishnasamy
The Managing Director (In-Charge)
Tamil Nadu State Transport Corporation
Virudhunagar Region
6/377, Madurai Road, Virudhunagar
- 4.Kanagavel
The Administrative Manager
Tamil Nadu State Transport Corporation
Virudhunagar Region, No.6/377, Madurai Road
Virudhunagar ... Respondents/ Respondents

PRAYER: This petition is filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondents for willful disobedience of contempt of the order passed in W.A.(MD) No.1395 of 2013, dated 06.08.2015.

Prayer in WA(MD). 1395/ 2013 :

Writ Appeal is filed under Clause XV of the Letters Patent Act to set aside the Order made in W.P.(MD)No.322 of 2012 dated 05.03.2013.

Prayer in WP(MD). 322/ 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents to provide pension benefits to the petitioner subsequent to the date of his voluntary retirement that is on 31.12.1999 with arrears and interest.



For Petitioner : Mr.R.Pandi Maharaja
For Respondents : Mr.V.Muruganantham
Addl. Govt. Pleader for R1
Mr.K.Sathyasingh for R2
Mr.A.Jeyaraman for R3 & R4

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O R D E R

(Order of the Court by T.S.SIVAGNANAM, J.,)

This contempt petition has been filed alleging wilful disobedience of the Judgment, dated 06.08.2015, made in W.A.(MD) No.1395 of 2013.

2. The operative portion of the Judgment, dated 06.08.2015, in W.A.(MD) No.1395 of 2013, reads as under:
"12.A reading of the said Judgment reveals that an employee is entitled to pension from the date of retirement. In view of the earlier orders and Judgment of this Court and order of the Hon'ble Apex Court, dated 08.05.2013, we hold that the appellant is entitled to pension from the date of retirement I.e., on 31.12.1999. The appellant is directed to repay the contribution amount of Rs.54,683/- as per his undertaking contained in his additional affidavit filed in the writ appeal. The respondent shall not insist payment of interest on this amount of Rs.54,683/- by the appellant, for disbursement or pensionary benefits. The respondents are directed to calculate pension payable to the appellant with effect from 01.01.2000 and pay the same within eight weeks from the date of receipt of repayment of contribution of Rs.54,683/- by the appellant. The appellant is not entitled to interest on the pension payable to him from 01.01.2000 till date. The respondents are directed to pay pension continuously every month to the appellant as per the Rules."

3. In terms of the said Judgment, the petitioner is to remit a sum of Rs.54,683/- (Rupees fifty four thousand six hundred and eighty three only) towards contribution. Admittedly, the petitioner has not remitted the said amount till date.

4.The learned counsel appearing for the petitioner, on instructions, would submit that the petitioner will remit the said amount within a period of two weeks and therefore, appropriate direction may be issued to the second respondent to sanction pension.

5. The contempt petition is disposed of by directing the petitioner to remit a sum of Rs.54,683/- (Rupees fifty four thousand six hundred and eighty three only) in terms of the Judgment, dated 06.08.2015, made in W.A.(MD) No.1395 of 2013,

before the third respondent, within a period of two weeks from the date of receipt of a copy of this order. On such remittance, the third respondent shall in turn credit it to the second respondent, within a period of one week thereafter and on receipt of the same, the second respondent is directed to comply with the directions issued in the writ appeal, calculate the pension payable to the petitioner as directed and effect payment including arrears, within a period of sixty days from the date on which, the third respondent credits the said sum of Rs.54,683/- to them. No costs.

Sd/-

Assistant Registrar(Co)

/True Copy/

Sub-Assistant Registrar

To:

1.Chandrakant B Kamble

The State of Tamil Nadu
rep.by the Secretary to Government
Transport Department
Fort.St.George, Chennai-2

2.Arumugam

The Administrator
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4.Kanagavel

The Administrative Manager
Tamil Nadu State Transport Corporation
Virudhunagar Region, No.6/377, Madurai Road
Virudhunagar

+1 cc to Mr.R.PANDIMAHARAJA,ADVOCATE,SR NO.51172

+1 CC TO SPECIAL GOVERNMENT PLEADER SR NO.50987

krk/skm

MAS/RR/SAR2;19.04.2017:3P-7C

CONT.P. (MD) No.1368 of 2016

in

W.P. (MD) No.1395 of 2013

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