



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **08.06.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**

AND

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

CONT P [MD].No.1563 of 2016

in

W.A (MD). No.93 of 2016

R.Thadiappan

: Petitioner

Vs.

1.Rengarajan,

The Managing Director,

Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam.

2.Arumugam,

The Administrator,

Tamil Nadu State Transport Corporation,

Pension Fund Trust,

Thiruvalluvar House,

Pallavan Salai,

Chennai - 600 002.

: Contemnors

PRAYER: Contempt Petition is filed under Section 11 of the Contempt of Courts Act, 1971 to punish the contemnors/respondents for the willful disobedience of the order of the Hon'ble High Court in W.A (MD). No.93 of 2016, dated 29.01.2016.

Prayer in WA(MD). 93/ 2016 :

Appeal preferred under clause 15 of Letters patent against the order passed by this Court dated 30.11.2015 in W.P No.19603 of 2015.

Prayer in WP(MD). 19605/ 2015 :

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 settle retirement benefits of the petitioner including gratuity, the commuted value of pension, leave salary and all other attendant benefits with interest at the rate of 18% per annum within the time that may be stipulated by this Honourable Court.

For Petitioner : Mr.A.Rahul,

For R1 : Mr.D.Sivaraman

Standing Counsel

For R2 : Mr.A.P.Muthupandian

Government Advocate



JUDGMENT

[Judgment of the Court was made T.S.SIVAGNANAM, J.]

The petitioner who retired as Special Grade Tradesman from the respondent Corporation is before us by way of this Contempt Petition, alleging the willful disobedience of the order of direction issued by this Court in W.A (MD). No.93 of 2016, dated 29.01.2016.

2.Heard Mr.A.Rahul, learned counsel appearing for the petitioner and Mr.D.Sivaraman, learned Standing counsel appearing for the first respondent and Mr.A.P.Muthupandian, learned Government Advocate appearing for the second respondent.

3.We find that there is no willful disobedience of the order, as it appears that substantial portion of the direction has been complied with by the respondents. What is required to be paid is four installments of commutation, Dearness Allowance arrears on monthly pension and revision of pension based on revision of pay which was given effect to from 29.01.2016 and all extended monetary benefits, as he retired from service on 31.05.2014. Though, a calculation memo has been furnished by the learned counsel for the petitioner, we do not propose to adjudicate the correctness of the amount arrived at therein, as it is the second respondent Transport Corporation, which has to make proper calculation and extend monetary benefits, for which purpose, we propose to fix an outer time limit.

4.In the light of the above, the Contempt Petition is disposed of by directing the second respondent Transport Corporation to pay four installments of commutation, Dearness Allowance on monthly pension and revise the pension of the petitioner appropriately. The above directions shall be complied with by the second respondent Transport Corporation on or before 31.07.2017. In the event, the respondent Corporation fails to comply the same, the petitioner is at liberty to restore his Contempt Petition to the file of this Court.

Sd/-

Assistant Registrar(CS-III)

/ True Copy /

Sub Assistant Registrar(C.S.)

To

+1cc to M/S.D.SIVARAMAN, Advocate SR.No.59514

+1cc to M/S.A.RAHUL, Advocate SR.No.59534

+1cc to M/S.A.P.MUTHUPANDIAN, Advocate SR.No.59475

KM/MR

MAS/KP/SAR2:05.07.2017:2P-4C