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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 02.06.2017

CORAM:

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

CONT.P.(MD) No.1580 of 2016
in
W.A.(MD) No.630 of 2014

K.Kulandaivelu

... Petitioner

-vs-

1.Rengarajan

The Managing Director
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Kumbakonam

2.A.Dharmaraj

The General Manager
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Pudukottai Region, Pudukottai

3.Arumugam

The Administrator
Tamilnadu State Transport Corporation
Pension Fund Trust
Thiruvalluvar Illam, Pallavan Salai
Chennai-2

... Respondents

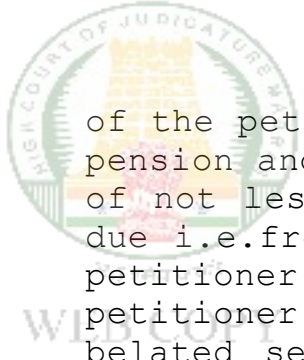
PRAYER: This petition is filed under Section 11 of the Contempt of Courts Act, 1971 to initiate contempt proceedings against the contemnors / respondents and punish him for the willful disobedience of the order in W.A.(MD) No.630 of 2014, dated 22.01.2016.

Prayer in WA(MD). 630/ 2014 :

Writ Appeal filed under clause 15 of the Letter patent against the order dt.20.11.2013 passed in WP(MD).18552/2013

Prayer in WP(MD). 18552/ 2013 :

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, leave salary, commutation of pension and all other attendant benefits with interest at the rate of not less than 10% per annum from the date when the same became due i.e. from 29.02.2012 to till the date of actual payment to the petitioner and further directing the Respondents to pay the petitioner the interest at the rate of 10% per annum for the belated settlement of commuted value of pension within the time that may be stipulated.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.D.Sivaraman
Standing Counsel

O R D E R

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

Heard Mr.A.Rahul, learned counsel appearing for the petitioner and Mr.D.Sivaraman, learned Standing Counsel appearing for the respondents.

2. This contempt petition has been filed alleging willful disobedience of the judgment and order, in W.A.(MD) No.630 of 2014, dated 22.01.2016.

3. The only amount, which according to the petitioner, who is liable to be paid, is interest on the retirement benefits at the rate of 6% per annum.

4. The learned Standing Counsel appearing for the respondents seeks to make a distinction in this case by making a contention that even prior to filing of this contempt petition, except leave salary, all other amounts have been paid in 2013 itself. Therefore, payment of interest does not arise in this case.

5. We do not agree with the submission of the learned Standing Counsel for more than one reason. Firstly, the Judgment passed by the Division Bench, dated 22.01.2016, has attained finality and we, exercising contempt jurisdiction, cannot go behind the order nor act as a Review Court. Secondly, when the Division Bench heard the matter, such a distinction was not sought to be drawn before the Division Bench, though it was an appeal preferred by the respondent - Corporation. Thus, the contention raised by the respondent - Corporation to escape from the liability in paying interest stands rejected. Accordingly, there will be a direction to the respondent - Corporation to pay interest at the rate of 6% per annum on the retirement benefits of the petitioner, within a period of six weeks, from the date of receipt of a copy of this



6. The contempt petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS I)

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/True copy/

Sub Assistant Registrar

To

1.Rengarajan
The Managing Director
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Kumbakonam

2.A.Dharmaraj
The General Manager
Tamil Nadu State Transport
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Pudukottai Region, Pudukottai

3.Arumugam
The Administrator
Tamilnadu State Transport Corporation
Pension Fund Trust
Thiruvalluvar Illam, Pallavan Salai
Chennai-2

+1cc to Mr.A.Rahul, Advocate, SR No.58414

CONT.P.(MD) No.1580 of 2016
in
W.A.(MD) No.630 of 2014
02.06.2017

(2/2)

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