



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2018

CORAM :

THE HONOURABLE MR.JUSTICE M.SUNDAR

Contempt Petition No.1421 of 2017

Mr.S.Jayakumar

...Petitioner/Petitioner/Petitioner

Vs.

1.Dr.J.Radhakrishnan, I.A.S.
The Secretary to Government
Health and Family Welfare Department
Secretariat, Chennai - 9.

2.Dr.K.Kulandaisamy
The Director of Public Health and
Preventive Medicine
Chennai - 6.

3.Dr.K.Senthil Raj, I.A.S. (Presently)
The Project Director and Member Secretary
Tamil Nadu State Aids Control Society
Chennai - 600 008.

...Respondents/Respondents/Respondents

Prayer : Petition filed under Section 11 of Contempt of Courts Act, to punish the Respondent for wilful disobeying the lawful orders of this Hon'ble court passed in M.P.No.1 of 2015 in W.P.No.6754/2013 dated 20.02.2017.



WEB COPY

For Petitioner : Ms.G.Sridevi

For Respondents : Mr.P.H.Arvind Pandiyan
Additional Advocate General
for Ms.P.Kavitha [For R1&R2]
Government Advocate
Mr.M.Loganathan [For R3]

O R D E R

Ms.G.Sridevi, learned counsel for the petitioner, Mr.P.H.Arvind Pandiyan, learned Additional Advocate General leading Ms.P.Kavitha, learned Government Advocate on behalf of respondents 1 and 2 and Mr.M.Loganathan, learned Standing Counsel on behalf of 3rd respondent are before this court.

2.To be noted, I had not issued Rule of Contempt, but the aforesaid counsel on behalf of the respondents appeared before this court on their own volition and requested this court that a quietus can be given to the matter and requested for some time for giving a quietus.

3.Though I am of the view that adopting such a course in a contempt petition may cause dilution, considering the peculiar circumstances of this complaint, wherein the petitioner has to get his terminal benefits after putting in service from 01.07.1982 to 31.03.2013 for more than three decades, I deferred issuing Rule of



contempt, granted time to the respondents and adjourned the contempt petition over some hearings, which will be reflected in the case file.

4. Be that as it may, this contempt has been filed complaining that directions given in an order dated 20.02.2017, made by this court in M.P.No.1 of 2015 in W.P.No. 6754 of 2013 has not been complied with.

5. The complaint specifically pertains to paragraph 14 of my order and I deem it appropriate to extract paragraph 14 :

"14. Subject to above, the following order is passed:

Respondents 1 and 2 shall disburse the General Provident Fund (GPF), Special Provident Fund (SPF) and Family Benefit Contribution lying to the petitioner's relevant accounts/funds as on the date of disbursement. With regard to Earned Leave and Gratuity, the learned counsel for the third respondent fairly states that the entire entitlement of the petitioner as on 31.03.2013 shall be disbursed."

6. A perusal of paragraph 14 will reveal that my direction pertains to 5 different heads of payments and they are as follows:-

- (i) General Provident Fund (GPF)
- (ii) Special Provident Fund (SPF)
- (iii) Family Benefit Contribution



WEB COPY

4

- (iv) Earned Leave (EL)
- (v) Gratuity

7. In the course of the hearings, Ms. Sridevi, learned counsel for the petitioner submitted, on instructions, that Family Benefit contribution cannot be paid now, as that is under a scheme wherein the payment can be made only after a demise of the person concerned. Therefore this gives a quietus to the Family Benefit Contribution i.e., (iii) supra.

8. With regard to the other heads, it is to be noted that the entire 3 decades of service of the petitioner is divisible into two parts i.e., one is the period from 01.07.1982 to 09.04.1995 when the petitioner worked under the second respondent and the other is from 10.04.1995 to 31.03.2013, when the petitioner was employed with the third respondent.

9. With regard to my directions extracted and reproduced supra, for the second part of the service, payment had to come from 3rd respondent and for first part of the service, the payment had to come from the respondents 1 and 2. Pending contempt proceedings, I am informed that GPF and SPF have since been credited fully for the entire period i.e., from 01.07.1982 to 31.03.2013.



WEB COPY

10.Today, i.e., 28.03.2018, I am informed that the Earned Leave for the entire period has also been credited yesterday i.e., 27.03.2018. That leaves us with Gratuity ie., (v) supra.

11.With regard to Gratuity, learned Additional Advocate General Mr.P.H.Arvind Pandiyan, has placed before me proceedings dated 20.03.2018, bearing R.No.46838/MPIV/S3/2008, vide this proceeding, pension proposal for the period from 01.07.1982 to 09.04.1995 has been forwarded by the Director of Public Health and Preventive Medicine to the Office of the Accountant General.

12.It is submitted that the pension proposal includes Gratuity. Now, that respondents 1 and 2 have discharged their obligations of making recommendation, I am informed that the actual disbursement has to be made by the office of the Accountant General.

13.It is open to the petitioner to pursue the matter with the office of the Accountant General for early disbursement, *inter-alia*, by sending a copy of this order to office of the Accountant General.



WEB COPY

14.If such a course is adopted, the office of the Accountant General shall make the disbursement at the earliest without further delay. Considering the fact that the petitioner had put in more than 3 decades of service and considering the fact that the Director of Public Health and Preventive Medicine has already sent the pension proposal to them, vide the aforesaid proceedings dated 23.03.2018, I am of the view that the above gives a quietus to this contempt petition, subject only to disbursement of Gratuity amount.

15.This contempt petition is closed. No costs.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

maya

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.

PS/24/08/2018



WEB COPY

To

1. Dr. J. Radhakrishnan, I.A.S.
The Secretary to Government
Health and Family Welfare Department
Secretariat, Chennai - 9.
2. Dr. K. K. Kulandaisamy
The Director of Public Health and
Preventive Medicine
Chennai - 6.
3. Dr. K. Senthil Raj, I.A.S. (Presently)
The Project Director and Member Secretary
Tamil Nadu State Aids Control Society
Chennai - 600 008.