

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Contempt Petition No.3094 of 2014

A.Subramani
S/o.Arunachalam Goundar

Petitioner

Vs

1.Krishnamoorthy
Chief Engineer (Personnel)
800, Anna Salai,
TNEB, Chennai.

2.M.Noor Mohamed
Superintending Engineer,
Tiruvannamalai Electricity Distribution Circle,
TNEB, Tiruvannamalai.

Respondents

Contempt Petition filed u/s.11 of the Contempt of
Courts Act, 1971, praying to punish the respondents for
willful disobedience in violating the order passed in
W.A.No.1916 of 2013 dated 19.03.2014.

For Petitioner : Mr.S.N.Ravichandran

For Respondents : Mr.Anand Gopalan

O R D E R

[Order of the Court was made by **M. SATHYANARAYANAN, J**]

Heard the submissions of learned counsel appearing for the petitioner and learned counsel appearing for the respondent/contemner and also perused the affidavit of Superintending Engineer, TNEB, Tiruvannamalai, dated 01.12.2017.

2. It is the submission of learned counsel appearing for the petitioner that since there is a specific direction to accommodate the petitioner from the date on which his juniors were identified, there may be an appropriate direction directing the respondents to fully comply with the order dated 19.03.2014 made in W.A.No.1916 of 2013, which is the subject matter of this contempt petition.

3. Learned counsel for the respondents/contemnors would submit that among two of his juniors, the case of Mr.S.Gnanasekaran is more favourable to him and the petitioner was accommodated as Helper on 09.07.2014 and given further promotion on 27.10.2014 and in that event, he has to retire at the age of 58 and having taken into consideration that he was initially posted as Mazdoor, he was allowed to continue till 31.05.2017 and further, in the

event of the prayer sought for by the petitioner is granted, two years salary paid to him between 2015 and 2017 has to be recovered.

4. In response to the same, learned counsel appearing for the petitioner would submit that in the event of such accommodation, the petitioner may get an extra sum of Rs.1,000/- and odd towards his pensionary benefits.

5. This Court has considered the rival submissions and perused the materials on record.

6. The case of the petitioner is compared with one of his juniors, namely, S.Gnanasekaran for the reason that his case was more advantageous and beneficial to the petitioner and accordingly, he has been accommodated as Helper on 09.07.2014, promoted as Wireman on 27.10.2014 and retired from service after attaining the age of 60 years. The petitioner has to retire from service at the age of 58 years and further, the petitioner had the benefit of receiving two years salary and monetary benefits also.

7. In the considered opinion of this Court, the order passed by this Court has been complied with in true letter and spirit and more in favour of the petitioner. It is also made clear that since the petitioner has worked upto the

age of 60 years, salary or other benefits paid to him cannot be recovered.

The Contempt Petition is closed subject to the above observation.

SD/-
ASSISTANT REGISTRAR (COMM.CASES)
gm

//Certified to be true copy//

Dated at Madras this the day of 2018.

COURT OFFICER (O.S.)

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