

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders Reserved on : 24.08.2018

Orders Pronounced on : 31.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Cont.P.No.661 of 2018

G.Dakshinamurthy .. Petitioner

Vs.

1. Thiru.K.Muthukaruppan,
The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Vazhuthareddy,
Villupuram-605 602.
 2. Thiru.N.Ramesh,
The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Vellore Region,
Vellore-632 009.
 3. Thiru.Muniyappan,
The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai-600 002.
- .. Respondents

Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondents for wilful disobedience of the order passed by this Court in W.P.No.32738 of 2016, dated 20.09.2016.

For petitioner : Mr.G.Sakthivel

For respondents : Mr.K.Kulandaivelu for
Mr.A.Antony Arockiaraja

ORDER

This Contempt Petition has been filed for non-compliance of the order of this Court, dated 20.09.2016 passed in W.P.No.32738 of 2016.

2. This Court, by the said order, directed the respondents to disburse the retiral benefits to the petitioner in 12 equal monthly instalments, in the light of the common judgment passed by this Court in W.A.(MD).No.383 to 457 of 2015 (K.Rajendran and others Vs. The Tamil Nadu State Transport Corporation (Madurai) Limited, rep. by its Managing Director, Madurai and others), dated 12.06.2015. It was also made clear by this Court that the first instalment shall commence from 01.12.2016.

3. The first respondent herein has filed counter affidavit stating that it is incorrect to state that the respondent-Transport Corporation has not complied with the order of this Court. They have paid a sum of Rs.58,568/- towards Provident Fund, Rs.3,19,950/- towards gratuity and Rs.4,360/- towards ITR Contribution. In fact, the petitioner was relieved of his duties on 11.10.2011 on the basis of the resignation tendered by him. Soon after the resignation from service, the petitioner was settled with all the terminal benefits entitled to him prior to the filing of the Writ Petition. The petitioner has concealed the above facts and filed the Writ Petition itself with ulterior motive.

4. It is further stated in the counter affidavit that insofar as the entitlement of sanction of pension to the petitioner, the same is based on the Tamil Nadu State Transport Corporation Employees Pension Fund Trust Rules, at para 15(e) therein, which states that "forfeiture of service on resignation and resignation from service or post entails forfeiture of past service." The above Rule was held valid by this Court in an identical matter in W.P.No.40521 of 2005, by order dated 17.07.2012, and the relevant portion of the said order reads as follows:

"Thus, so long as the Tamil Nadu State Transport Corporation Employees Pension Rule approved by Government in G.O.Ms.No.135, dated 15.12.2000 are in force and Tamil Nadu State Transport Undertakings stand excluded from the purview of the Employees provident fund and Miscellaneous Provisions Act, 1952, the Petitioner's Contentions cannot hold good."

5. Thus, it is evident that since the petitioner resigned from service, he is not entitled for the benefits except the Provident Fund, Gratuity and IRT contribution, which were already settled by the respondent-Transport Corporation, as stated above.

6. In view of the above facts disclosed in the counter affidavit, I am of the opinion that the petitioner has completely suppressed the factum of resignation, and has filed the Writ Petition/Contempt Petition. Considering the

absolutely, no contempt is made out against the respondents. The Contempt Petition is accordingly closed.

SD/
ASSISTANT REGISTRAR (Comm.Cases)

//Certified to be true copy//

Dated at Madras this the day of 2018.

COURT OFFICER (O.S.)

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CO/03/10/2018/

One CC to Mr.K.Kulandaivelu, SR.12616

To

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Vazhuthareddy,
Villupuram-605 602.
2. The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Vellore Region,
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