

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2018

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

Cont.P.No.2140 of 2018

N.Shanmugam ... Petitioner

Vs

K.Senathipathi
The General Manager,
Taminadu State Transport
Corporation (Coimbatore) Ltd,
Chennimalai Road,
Erode Region, Erode.

... Respondent

PRAYER: This Contempt petition is filed under Section 11 of the Contempt of Court Act, praying to punish the respondent for willfully, wantonly disobeying the order of this Hon'ble Court passed in W.P.No.10042/2017 dated 27.07.2017 on the file of this Hon'ble Court.

For Petitioner : Mr.I.C.Vasudevan

For Respondent : Mr.R.S.Selvam,
Standing counsel for TNSTC

O R D E R

The relief sought for in this Contempt petition is to punish the respondent for wilful disobedience of the order of this Court dated 27.07.2017 made in W.P.No.10042/2017 .

2. The learned counsel appearing on behalf of the writ petitioner admits the fact that the terminal benefits due to the contempt petitioner had already been complied with pursuant to the orders passed by this Court dated 27.07.2017. However, the interest as applicable based on the order passed by the authority under the payment of Gratuity Act, has not been settled. In fact, the Competent Controlling Authority has ordered 10% interest for the gratuity amount. However, the respondent had settled 6% interest for the gratuity amount which was already paid to the petitioner.

3. The learned counsel for the respondent brought to the notice of this Court that, the order passed in W.P.No.10042/2017 , with reference to the order passed by the Hon'ble Division Bench of this Court in W.A.(MD)No.383 to 457 of 2015 dated 12.06.2015. With reference to the orders passed by the Hon'ble Division Bench, the respondent Transport Corporation has settled 6% interest to all the employees who are all similarly placed. In the event of granting 10% for writ petitioner alone, the same will not only cause discrimination, it will also be a wrong precedent and will pave way for other retired employees to once again approach this Court for further relief.

considering the financial crunch faced by the Transport Corporation for the past few years, this Court is of the opinion that, the petitioner should be satisfied with the interest amount of 6% already settled in his favour. However, it is made clear that in respect of difference in payment of interest, the writ petitioner is at liberty to approach the competent authorities.

5. Thus, no further adjudication needs to be entertained in respect of the present contempt application. Accordingly, the Contempt petition stands closed. No costs.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

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//Certified to be true copy//

Dated at Madras this the day of 2018.

COURT OFFICER (O.S.)

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PS/13/11/2018

To

The General Manager,
Taminadu State Transport
Corporation (Coimbatore) Ltd,
Chennimalai Road,
Erode Region, Erode.
one cc to Mr.I.C.Vasudevan, Sr.NO.15470