

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2018

CORAM

THE HON'BLE Mr. JUSTICE **M.M. SUNDRESH**
and
THE HON'BLE Mr. JUSTICE **K.RAVICHANDRABAABU**

Cont.P.No.3408 of 2014

R.Uma ... Petitioner

Vs.

1.Thiripurasundari,
The Assistant General Manager,
B.S.N.L., Tamil Nadu Telecom
Circle, Chennai.

2.S.E.Rajam,
The General Manager,
Telecommunications,
Thanjavur District. ... Respondents

Petition filed under Section 11 of Contempt of Courts Act to punish the respondents for disobeying the orders of this Court passed in Review Application (W) No.209 of 2014 in W.P.No.31587 of 2013 dated 13.08.2014.

For Petitioner ... Mr.R.Murugesan

For Respondents ... Mr.M.T.Arunan

ORDER

(Order of the Court was made by **M.M.SUNDRESH, J.**)

This contempt petition has been filed by the
<https://hcservices.ecourts.gov.in/hcservices/>
petitioner alleging that the order passed by the Division

Bench in Review Application No.209 of 2014 has not been complied with with specific reference to the payment of the pensionary benefits including salary while giving notional promotion with retrospective effect.

2.Learned counsel appearing for the petitioner submits that this Court merely confirmed the order of the Tribunal. Therefore, the petitioner is entitled for all the benefits including the salary payable for the promoted post at the relevant point of time, for which, a notional promotion was given with retrospective effect.

3.Learned counsel appearing for the respondents submits that as per the Notes on Increment with specific reference to Clause (V), monetary benefits shall be payable only for the period the employee actually discharged his duties of a post. Inasmuch as the order has been passed giving monetary benefits, the contempt petition will have to be dismissed.

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4.We do not find any wilful disobedience involved in this case. It may be a case of wrong understanding of the order passed. However, we refrain ourselves from commenting upon the compliance made by the first respondent. This is for the reason that this might lead to a fresh cause of

<https://hcservices.ecourts.gov.in/hcservices> Office it to state that we are not supposed to undertake adjudicatory process on the decision of the

respondents in purported compliance of the order passed by us. Admittedly, the first respondent has complied with the order passed substantially. Therefore, the issue sought to be raised in this contempt proceedings has to be adjudicated upon by way of separate proceedings.

5. In such view of the matter, we are not inclined to call the respondents for contempt and the contempt petition stands closed. Accordingly, we give liberty to the petitioner to take appropriate action in the manner known to law.

mmi

SD/-
ASSISTANT REGISTRAR (COMM.CASES)

//Certified to be true copy//

Dated at Madras this the day of 2019.

सत्यमेव जयते COURT OFFICER (O.S.)

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PS/10/01/2019