

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2019

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Contempt Petition No.405 of 2019

V.Chandrasekar (a) Sivachandran

...Petitioner

Vs.

Smt.Sushma Balaji
General Manager
Punjab National Bank
Human Resources Development
No.7, Bhikhjai Cama Place
New Delhi - 110 066

...Respondent

Prayer : Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondent for non-compliance of the order of this Hon'ble Court in W.P.22700 of 2016, dated 24.10.2018 within the stipulated time in pursuance under the provisions of Contempt of Courts act.

For Petitioner : Mr.V.Chandrasekar
(Party-in-Person)

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O R D E R

The present Contempt Petition is filed to punish the respondent for non-compliance of the order of this Hon'ble Court in W.P.No.22700 of 2016, dated 24.10.2018.

2.This Court passed an order in W.P.No.22700 of 2016 dated 24.10.2018 is as follows:-

"7. This Court is of an opinion that, the writ petitioner was admittedly dismissed from service on account of the allegations of unauthorized absence. The said order of dismissal reached finality. The only claim of the writ petitioner is that he is eligible for compassionate allowance under the pension regulations. The petitioner admits the fact that he continued as PF Optee. However, he claims that the opportunity to exercise the second option was denied by the bank, since they have not provided any information in this regard. However, this Court cannot consider such disputed facts and the writ petitioner being employed as Clerk/Typist at the first instance and thereafter promoted to the post of Officer Grade-1, he cannot plead ignorance of law or the procedures followed by the bank. The petitioner served as Officer Grade-1 and subsequently opted to serve in the lower post.

8. This being the factum of the case, the writ petitioner cannot claim any ignorance in respect of the procedures followed and in respect of the implementation of pension scheme in the bank. As far as the benefit of compassionate allowance is concerned, the same is contemplated under the pension regulations. In view of the fact that, the writ petitioner at no point of time opted for pension scheme, he is not eligible to

claim the said compassionate allowance. Admittedly, the writ petitioner continued only as a PF Optee. Further it is not disputed that all the benefits as applicable to the PF Optee had been settled in favour of the writ petitioner and he had received the same.

9. This being the factual matrix of the present lis on hand, this court is of an opinion that there is no infirmity in respect of the reasons furnished in the impugned order passed by the respondent in proceeding dated 26.10.2015. Thus, the writ petition is devoid of merits and stands dismissed."

3.The petitioner, appearing in person, states that there was a mistake in the relief sought for in the original writ petition and therefore, he has filed the Contempt Petition in order to get compassionate allowance from the respondent Bank. This apart, the petitioner in person, argued the case by stating that his grievances are not redressed by the respondent Bank. In order to redress the grievances, the petitioner has to take appropriate steps and Contempt petition cannot be filed in view of the fact that the respondent cannot be punished for non-compliance of this Court dated 24.10.2018 with reference to the orders issued.

4.This being the factum, the writ petitioner is at liberty to initiate appropriate steps for the redressal of his grievances. However, no ground is made out for proceeding with the Contempt petition and accordingly, the Contempt Petition stands dismissed. No costs.

SD/-
ASSISTANT REGISTRAR (COMM.CASES)
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//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.

THS/25/03/2019

To
The General Manager
Punjab National Bank
Human Resources Development
No.7, Bhikhjai Cama Place
New Delhi - 110 066