

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2019

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Cont.P.No.1378 of 2018

S.Kamalakannan ... Petitioner

Versus

Thiru.A.Dhanulingam,
Managing Director,
Metropolitan Transport Corporation Ltd.
Pallavan Salai,
Chennai-600 002. ... Respondent

Contempt Petition filed under Section 11 of the Contempt of Court Act to punish the respondents for willful disobedience of the order passed by this Court in W.P.No.1824 of 2017 dated 15.02.2017.

For Petitioner : Mr.D.Veerasekaran

For Respondent : Ms.Rajini Ramdas

ORDER

The petitioner, alleging non-compliance of the order dated 15.02.2017 made in W.P.No.1824 of 2017 has filed this contempt petition.

2. It is the stand of the respondent in the counter affidavit that retiral benefits amounting to Rs.15,95,514/- along with interest of Rs.46,536/- have been settled to the petitioner. However, by way of rejoinder dated 13.12.2018, the petitioner has disputed the calculation memo and according to him, a further sum of Rs.1,56,355/- is to be paid.

3. This Court, in a case of contempt petition, cannot assume the role of a Civil Court to adjudicate upon factual disputes with regard to settlement of terminal/retiral benefits. Since it is the stand of the respondent/contemnor that the retiral benefits are settled to the petitioner, it is always open to the petitioner to invoke the Common Law remedy by initiating civil proceedings against the respondent/contemnor for recovery of the alleged deficit amount not yet paid.

4. This Contempt Petition is closed with the above observations.

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Index : Yes/No
Internet : Yes
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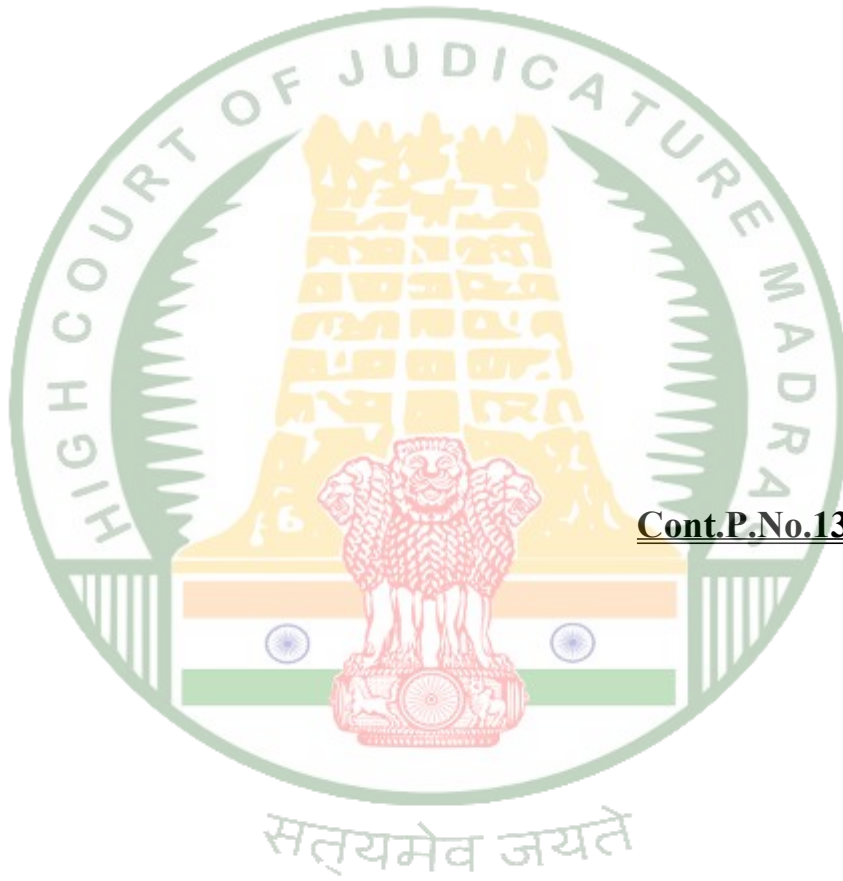
To
Thiru.A.Dhanulingam,
Managing Director,
Metropolitan Transport Corporation Ltd.
Pallavan Salai,
Chennai-600 002.



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M.SATHYANARAYANAN, J.

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