

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2019

CORAM:

THE HONOURABLE Mr.JUSTICE M.SATHYANARAYANAN

Contempt Petition No.1379 of 2018

N.Devan,
S/o.P.Naksan,
No.17, Park, 1st Street,
Kaduvetti,
Thiruverkadu Post,
Chennai 600 077.

... Petitioner

Vs.

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

... Respondent

Prayer : Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondent for wilful disobedience of the order passed by this Court in W.P.No.1825 of 2017 dated 15.02.2017. सत्यमेव जयते

For Petitioner .. Mr.D.Veerasekaran

For Respondent .. Mrs.S.Rajeni Ramdoss

ORDER

It is represented that the order, which is the subject matter of contempt has been complied with and calculation details as to the payment of retirement benefits, which the petitioner is entitled to, is given in the form of typed document before this Court today, by the learned counsel for the

respondent and the same has been taken on file and recorded.
It is relevant to extract the said details hereunder :

Sl.N o.	Retirement Benefits	Eligible Amount	Paid Amount	6% interest	Paid through
1	Gratuity	Rs. 5,81,538/-	Rs. 5,81,538/-		
2	Difference in Gratuity	Rs. 32,493/-	Rs. 32,493/-	Rs. 5,320/-	Cheque No.324052 dated 22.10.2018
3	Provident Fund	Rs. 6,13,203/-	Rs. 6,13,203/-		
4	Earned Leave Salary	Rs. 4,15,896/-	Rs. 4,15,896/-	Rs.64,465/-	Cheque No.936818 dated 16.08.2018
5	Settlement Arrears	Rs. 21,618/-	Rs. 21,618/-		May 2017
6	Pension Commutation	Rs. 2,63,685/-	Rs. 2,63,685/-	Rs.19,982/-	ECS on 27.6.2018
TOTAL		Rs.19,28,433/-	Rs.19,28,433/-	Rs.89,767/-	

2. However, the said fact is seriously disputed by Mr.D.Veerasekaran, the learned counsel for the petitioner and he has invited the attention of this Court to the rejoinder filed by the petitioner dated 13.12.2018, and would submit Rs.1,28,431/- has to be paid.

3. It is to be noted at this juncture that this Court, while disposing of the writ petition in W.P.1825 of 2017, vide order dated 15.02.2017, has directed the second respondent to settle the retiral/terminal benefits to the petitioner in twelve equal monthly instalments, commencing from 1st May 2017 with interest at the rate of 6% per annum and in the event of default, interest payable will become 18% per annum and with a

further direction that the second respondent shall also continue to pay the monthly pension amount to the petitioner in time without any default .

4. Admittedly, this Court did not quantify the amount to be paid to the petitioner in its order in W.P.1825 of 2017, dated 15.02.2017, and in view of the dispute now raised by the learned counsel for the petitioner as to the settlement of arrears of retirement benefits, in the considered opinion of this Court, no contempt has been made out as to the non-compliance of the order and accordingly, this Contempt Petition is closed. However, if the petitioner is so advised and if it is available to him under law, he is always at liberty to work out his remedy as to his claim of balance arrears of settlement benefits in accordance with law, before the competent forum.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

ds

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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Sm/18/06/2019

To

<https://hcservices.courts.gov.in/hcservices/>
The Managing Director
Metropolitan Transport Corporation Ltd
Pallavan Salai, Chennai - 600 002.