

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2019

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

**Cont.P.No.1381 of 2018**

S.Abdul Rahim ... Petitioner

Versus

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

2.Thiru C.Arumugam,  
The Administrator,  
Tamil Nadu State Transport Corporation,  
Pension Fund Trust, Thiruvallur House,  
Pallavan Salai, Chennai-600 002. ... Respondents

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.44365 of 2016 dated 09.02.2017.

For Petitioner : Mr.D.Veerasekaran

For Respondents : Ms.Rajini Ramdas

**ORDER**

The petitioner, alleging non-compliance of the order dated 09.02.2017 made in W.P.No.44365 of 2016 has filed this contempt petition.

2. It is the stand of the second respondent in the counter affidavit that retiral benefits amounting to Rs.15,96,888/- have been settled to the petitioner. However, by way of rejoinder dated 27.07.2018, the petitioner has disputed the calculation memo and according to him, a further sum of Rs.1,65,282/- 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 respondents/contemnors 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 respondents/contemnors for recovery of the alleged deficit amount not yet paid.

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

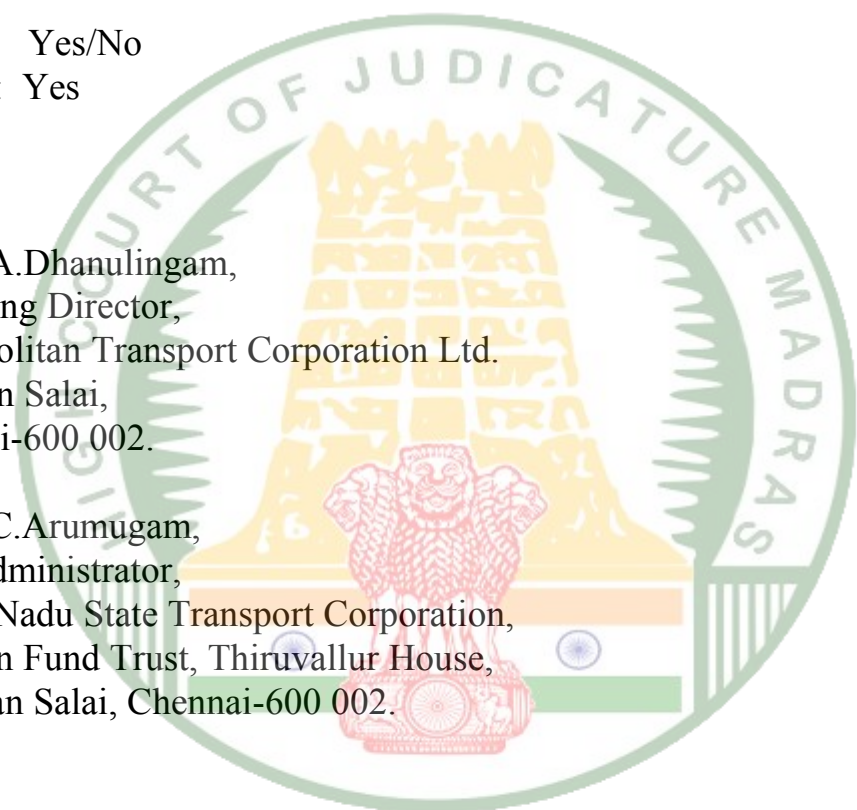
04.01.2019

Index : Yes/No  
Internet : Yes  
jvm

To

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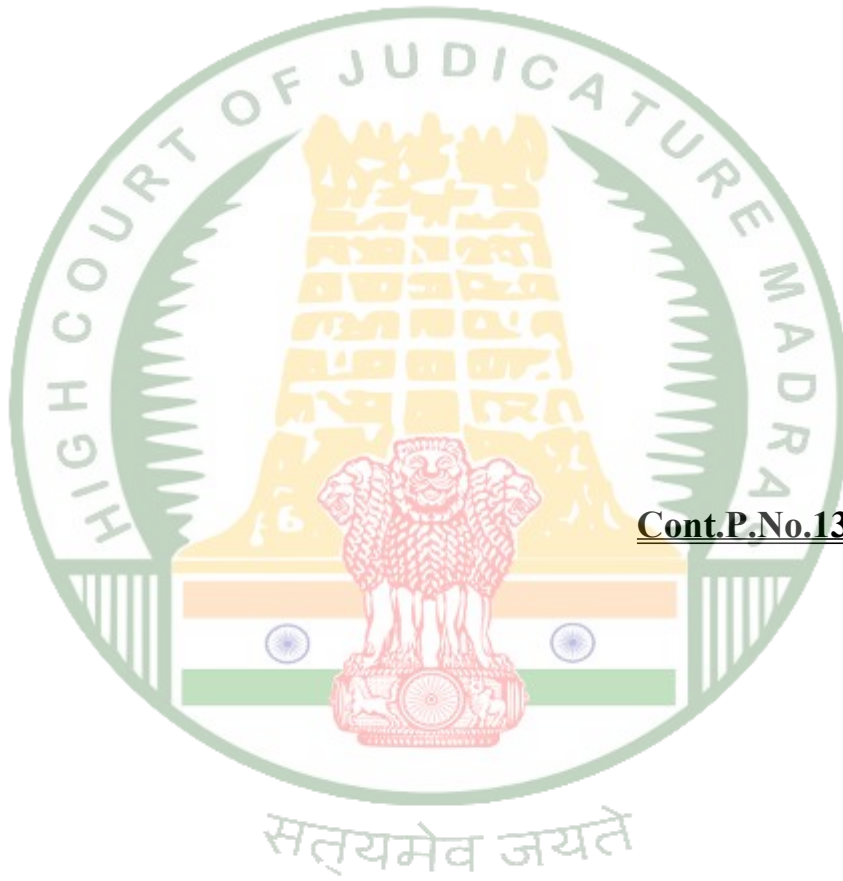


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**M.SATHYANARAYANAN, J.**

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