

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2019

CORAM

THE HONOURABLE MR. **JUSTICE M.SATHYANARAYANAN**

Contempt Petition No.1895 of 2018

P.Prabakaran,
M.Palaniappan,
No.E84, Anna Colony,
Vannanthurai,
Besant Nagar,
Chennai-600090.

.. Petitioner

vs.

- 1.Thiru P.W.C.Davidar, IAS
Principal Secretary to Government
Transport Department, Fort St.George
Chennai - 600 009.
- 2.Thiru A.Dhanulingam
Managing Director
Metropolitan Transport Corporation (Chennai)
Ltd, Pallavan Salai Chennai 600 002.
- 3.Thiru C.Arumugam
The Administrator, Tamil Nadu State Transport
Corporation, Pension Fund Trust, Thiruvalluvar
House, Pallavan Salai, Chennai 600 002.

.. Respondents

Contempt petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondents for willful and deliberate disobedience of the order of this Court dated 27.02.2017 made in W.P.No.1332 of 2017

For Petitioner : Mr.D.Veerasekaran

For Respondents : Mrs.Rajini Ramadoss

ORDER

Counter affidait of the second respondent has been filed and the

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relevant portion of the same is extracted hereunder.

S.No	Retirement Benefits	Eligible Amount	Paid Amount	6% interest	Paid Through
1	Gratuity	Rs.5,15,409	Rs.5,15,409	Nil	-
2.	Difference in Gratuity	Rs.56,544	Rs.56,544 (ECS on 13.12.2017)	Rs.9128	Cheque No.324059 dated 19.11.2018
3.	Earned Leave Surrender Salary	Rs.1,28,746	Rs.1,28,746	Rs.27,037	ECS on 18.09.2018
4.	Pension Commutation	Rs.2,51,833	Rs.2,51,833	Nil	-
5.	12 (3) Settlement Arrears	Rs.5,797	Rs.5,797	Nil	Nil
	TOTAL	Rs.9,58,329	Rs.9,58,329	Rs.36,165	

2.The petitioner has filed rejoinder to the counter affidavit of the respondents / contemnors, giving following calculated amount, as the amount yet to be paid.

S.No	Terminal Benefits	Actual Amount to be paid	Interest at 6%	Amount Paid	Balance to be Paid
1	Settlement Arrears (Old Pay - Rs.12,740 x 5.5%=Rs.710+Grade Pay Rs.1,900=Rs.2610x2 months)	Rs.5220	Rs.310/-	Nil	Rs.5220 + Int Rs.310/- = Rs.5,530/-
2.	Commutation Difference (as per the settlement) Basic Pay Rs.13450/- + Grade Pay 4,200/- = Rs.17,650/- Eligible - Rs.2,95,496 - Already Paid Rs.2,51,833 = Rs.43,663/-	Rs.43,663	Rs.2620/-	Nil	Rs,43,663 + int Rs.2,620 = Total 46,283/-
TOTAL AMOUNT TO BE PAID					Rs.51,813

3. This Court, in the order, which is the subject matter of this Contempt Petition, has directed the respondents therein to settle the retiral / terminal benefits in 12 equal instalments commencing from 01.06.2017 bearing interest at the rate of 6% per annum, and in the event of default, indicated that the interest payable would become 18% per annum and that apart, further directed to pay the monthly pension.

4. In the light of the stand taken by the second respondent in the counter affidavit, this Court is of the considered view that no further orders as to the alleged balance payment indicated in the rejoinder to the counter, filed by the petitioner, need to be ordered to be paid. At this juncture, since the leave of this Court is sought for, to initiate appropriate proceedings to recover the alleged arrears of Rs.51,813/- along with interest, if it is permissible under law, the petitioner is always at liberty to initiate appropriate proceedings for recovery of the said amount. Accordingly, the contempt petition is closed.

KST

SD/-
Assistant Registrar (Comm. Cases)

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER(O.S.)

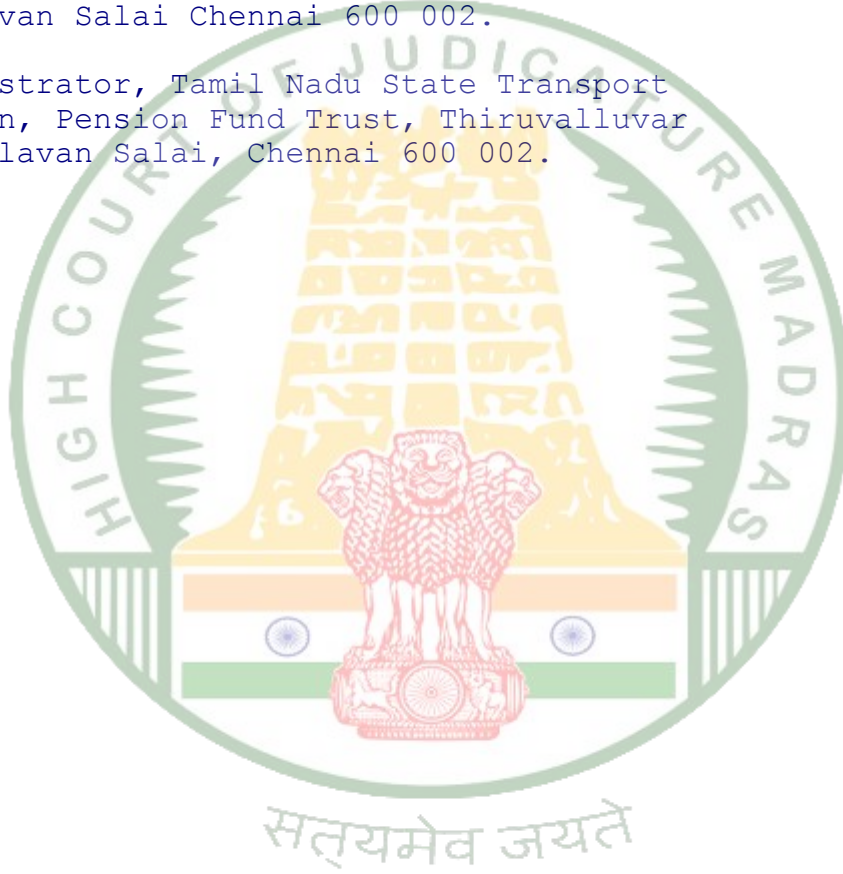
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SD/17/05/2019

To

1. The Principal Secretary to Government
Transport Department, Fort St.George
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2. Managing Director
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3. The Administrator, Tamil Nadu State Transport
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