

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2019

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Contempt Petition No.2092 of 2018

P.Sellappan

...Petitioner

Vs.

1.Thiru.A.Aravind

The Managing Director,
Tamil Nadu State Transport Corporation (Salem)
Limited
No.12, Ramakrishna Road
Salem-7.

2.Thiru.C.Arumugam

The Administrator
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme
Thiruvalluvar House, Pallavan Salai
Chennai - 600 002.

...Respondents

Prayer : Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondents for their wilful disobedience of the order of this Hon'ble Court in W.P.No.28755 of 2016 dated 18.08.2016 as per the Contempt of Court Act.

For Petitioner : Mr.K.Sathish

For Respondents : Mr.P.Kannankumar

O R D E R

The present Contempt Petition is filed to punish the respondents for their wilful disobedience of the order of this Hon'ble Court passed in W.P.No.28755 of 2016 dated 18.08.2016 as per the Contempt of Court Act.

2.The Grievances of the contempt petitioner is that the order passed by this Court in W.P.No.28755 of 2016 dated 18.08.2016 has not fully complied with. The calculation memo submitted by the petitioner was not considered by the respondents and they have taken into account the less years services as qualifying service for the purpose of calculating the pension and pensionary benefits.

3.The learned counsel for the petitioner states that the petitioner is entitled to reckon more number of years of service as qualifying service for the purpose of calculating the pension and pensionary benefits. However, the said benefit has not been granted to the contempt petitioner. Thus, he is constrained to move the present contempt petition.

4.The issue to be considered in the present contempt petition, is when the order of the Court says that "without going into the merits of the matter, the Managing Director and the General manager of the respective Transport Corporation are directed to disburse the aforementioned retiral benefits to the petitioners herein in twelve equal monthly instalments, in the light of the common judgment passed by this Court in W.A.(MD).Nos.383 to 457 of 2015."

5.As far as the said issue is concerned, this Court never adjudicated the issues in relation to the reckoning of the qualifying service and the amount of Pension and pensionary benefits to be paid to the contempt petitioner. Absolutely, there was no adjudication in respect of the quantum of amount to be paid to the contempt petitioner. Contrarily, a general direction was issued by this Court to settle the terminal and pensionary benefits due to the contempt petitioner with reference to the orders passed by the Hon'ble Division Bench of this Court. Thus, the calculations are to be carried out by the establishment of the respondents and it is not as if, the calculation memo submitted by the petitioner should be accepted as it is. Even, in case of any discrepancy, it is left open to the petitioner to approach the competent authorities for the purpose of redressing his grievances. Contrarily, the

contempt petition cannot be entertained and the contempt jurisdiction, which is to be used sparingly, this Court is of an opinion that in respect of the disputes in relation to the calculation of pensionary benefits, no contempt petition would be entertained under the Contempt of Courts Act, 1971 in the absence of any specific order by this Court. Thus, it is left open to the petitioner to approach the competent authorities for the redressal of his grievances in respect of his pensionary benefits, by submitting separate representation.

6. With this liberty, the contempt petition stands closed. No costs.

SD/-
ASSISTANT REGISTRAR (COMM. CASES)

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//Certified to be true copy//

Dated at Madras this day of 2019.

COURT OFFICER (O.S.)

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PS/21/02/2019