

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06-02-2019

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Contempt Petition No.2205 of 2018

Mr.P.ThanigaimalaiPetitioner

Vs.

Mr.G.Ganesan,
Managing Director,
Tamil Nadu State Transport Corporation(VPM) Ltd.,
No.3/137, Salamedu,
Valuthareddy Post,
Villupuram-605 602.Respondent

Prayer : Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondent for his wilful disobedience of the order of this Hon'ble Court in W.P.No.27020 of 2016 dated 3.08.2016.

For Petitioner : Mr.V.S.Jagadeesan

For Respondents : Mr.Antony Arockia Raja

O R D E R

The present Contempt Petition is filed to punish the respondent for his wilful disobedience of the order of this Hon'ble Court passed in W.P.No.27020 of 2016 dated 3.08.2016 as per the Contempt of Court Act.

2. The Grievance of the contempt petitioner is that

the order passed by this Court in W.P.No.27020 of 2016 dated 3.08.2016 has not fully complied with. The

calculation memo submitted by the petitioner was not considered by the respondent and he has 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. The petitioner is at liberty to submit his detailed representation along with the documents, if any, for the purpose of considering the same and in the event of submitting any such representation, the same shall be considered by the

competent authorities for the purpose of taking a decision.

6. With the above observations, the contempt petition stands closed. However, there shall be no order as to costs.

sd/-
ASSISTANT REGISTRAR (COMM. CASES)
svn

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.

PS/21/02/2019

सत्यमेव जयते
WEB COPY