

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2019

CORAM:

THE HON'BLE MR.JUSTICE T.RAJA

Contempt Petition No.638 of 2018

E.Elangovan ... Petitioner
Vs.

1. Mr.K.Muthukarruppan,
Managing Director,
Tamil Nadu State Transport Corporation
(VPM) Limited,
3/137, Salamedu, Valuthareddy Post,
Villupuram-605 602.
- 2.Mr.Muniappan,
Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai, Chennai-2. Respondents

This Contempt Petition is filed to punish the respondents for willfully and wantonly disobeying the order of this Court dated 03.08.2016 in W.P.No.27013 of 2016

For Petitioner : Mr.V.S.Jagadeesan
For 1st Respondent : Mr.A.Antony Arockia Raja,
Standing Counsel

O R D E R

Alleging the violation of the orders of this Court made in W.P.No.27013/2016 dated 03.08.2016, the present

contempt petition has been filed.

2. The W.P.No.27013/2016 has been filed seeking to issue a Writ of Mandamus, directing the respondents to settle the retirement benefits payable to the petitioner. The said Writ Petition along with batch of writ petitions were disposed of by this Court by order dated 03.08.2016 by directing the respondents to disburse the retiral benefits to the petitioners therein in 12 equal monthly instalments in the light of the common judgment passed by this Court in W.A. (MD).Nos.383 to 457/2015 (*K.Rajendran and others vs. The Tamil Nadu State Transport Corporation (Madurai) Limited, rep. by its Managing Director, Madurai and others*) dated 12.6.2015. Since the said order has not been complied with, the petitioner in W.P.No.27013/2016 has filed the present Contempt Petition.

3. It appears that during the pendency of the contempt petition, the 1st respondent has paid the entire retiral benefits to the petitioner without interest part. Again, the issue of non-payment of interest was brought to the notice of this Court. Thereafter, both the counsels have filed their memo of calculation in respect of the amount paid.

4. As per the Memo of Calculation filed by the learned Counsel for the petitioner, entire retirement benefits have been paid except the interest on Gratuity amount of Rs.26,205/- and similarly, it is the claim of the

petitioner that a sum of Rs.5088/- constituting interest at the rate of 6% on pension commutation was not paid. That apart, even under leave liability category, it is stated that interest of Rs.15,863/- has not been paid. On the other hand, the Calculation Memo filed by the 2nd respondent shows that the entire amount has been paid on time. Thus, it is the claims and counter claims made by the petitioner as well as by the respondents with regard to payment of interest.

5. In view of the above, the Contempt Petition is closed with liberty to the petitioner to work out his remedy by approaching the Labour Court and if any such application is filed u/s.33(c)(2) of the I.D.Act, 1947, it is for the Labour Court concerned to consider and pass orders on the same on merits and in accordance with law.

सत्यमेव जयते SD/-

ASSISTANT REGISTRAR (COMM.CASES)

tsi

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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