

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2019

CORAM:

THE HON'BLE MR.JUSTICE T.RAJA

Contempt Petition No.804 of 2018

K.Palanivelu

... 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 21.04.2016 in W.P.No.14677 of 2016

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

ORDER

Alleging the violation of the orders of this Court made in W.P.No.14677/2016 dated 21.04.2016, the present

contempt petition has been filed.

2. The W.P.No.14677/2016 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 was disposed of by this Court by order dated 21.04.2016 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.14677/2016 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 by the petitioner.

4. A Calculation Memo showing that entire amount towards retiral benefits have been paid to the petitioner except a small amount of interest was filed by the 2nd respondent. Further, in the counter affidavit filed by the respondents, it has been stated that due to the accumulated loss and cash shortfall, the Corporation is unable to make

good to the any shortfall of interest payment to the retired employees as claimed in their Contempt Petitions. Thus, it appears that there is a claim and counter claim 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, it is for the Labour Court concerned to consider and pass orders on the same on merits and in accordance with law.

SD/-

ASSISTANT REGISTRAR (COMM. CASES)

tsi

//Certified to be true copy//

Dated at Madras this the day of 2019.

सत्यमेव जयते

COURT OFFICER (O.S.)

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