

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.11.2019

Coram

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

Cont.P.No.1408 of 2019

V. Shanmugam .. Petitioner

vs.

1. Anbu Abraham,
Managing Director,
Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
No. 37, Mettupalayam Road,
Coimbatore - 641 043.
 2. Mahendrakumar,
The General Manager,
Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
Erode Regional Office,
No.45, Chennimalai Road,
Erode - 638 001.
- ... Respondents

Contempt petition filed under section 11 of the Contempt of Courts Act, 1971, to punish the respondents for willful disobedience of the order made in W.P.No.1903 of 2018 dated 05.02.2019.

For Petitioner : Mr.R.Arun Dattan
For Respondents : Mr.S.R.Rajagopal,
Additional Advocate General,
Assisted by
Mr. R.S.Selvam

O R D E R

This Court passed an order dated 05.02.2019 in W.P.No.1903 of 2018, which reads as follows:

"4. This being the factum, this Court

<https://hcservices.ecourts.gov.in/hcservices/> of the view that it is needless to say

that once an alternate employment is provided to the writ petitioner, the authorities competent have to initiate steps to provide salary and other benefits as applicable to the writ petitioner, in accordance with rules as expeditiously as possible.

5. With these observations, this writ petition stands disposed of. No costs."

2. The learned counsel appearing on behalf of the contempt petitioner states that an alternate employment has been provided and the contempt petitioner also had joined in the post with light duty. Though the salary is being paid to the contempt petitioner, the learned counsel states that it is not in accordance with the Rules. However, those issues are not adjudicated or settled by this Court. If there is any difference in salary or otherwise that is to be adjudicated on merits and in accordance with law.

3. As far as the directions issued by this Court is concerned, an alternate employment is provided and in paragraph 7 of the counter affidavit filed by the second respondent, it is stated that the alternate light duty was provided to the writ petitioner and he joined duty on 28.02.2018 onwards with pay protection, the salary and other benefits to the petitioner with effect from 28.02.2018 to till the date and now the petitioner is

drawing the salary for the post of Driver as on date.

4. In paragraph 8 of the counter affidavit, it is stated that the unauthorized absence period of the writ petitioner from 21.05.2016 to 29.05.2016 (9 days) was treated as earned leave, from 30.05.2016 to 07.06.2016 (9 days) as temporary suspension, from 08.06.2016 to 23.06.2016 (16 days) as earned leave, from 24.06.2016 to 15.08.2016 (53 days) as leave on loss of pay and from 16.08.2016 to 17.02.2018, the same was treated as absent.

5. As the contempt petitioner has now being provided with light duty and receiving the salary, the order passed by this Court has been complied with and if any grievances exceeded to the contempt, it is open to the petitioner to adjudicate the same in a manner known to law.

Accordingly, the contempt petition is closed.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

mp

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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