



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CONT.P. (MD) No.1082 of 2019

in

CONT.P. (MD) No.2497 of 2017

in

W.P. (MD) No.2860 of 2017

M.Gnanasekaran

... Petitioner

Vs

M.Ravindran,
Managing Director,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Railway Station New Road,
Kumbakonam.

... Respondent

PRAYER: Petition filed under Section 11 of the Contempt of Courts Act 1971, to punish the respondent for committing contempt of the order passed by this Court in Contempt Petition (MD) No.2497 of 2017 in W.P.(MD)No.2860 of 2017, dated 28.01.2018.

Prayer in CONT P(MD). 2497/ 2017 :

Pleased to summoned the respondents and deal with them as per law for not complying the order dated 20.2.2017 of this Honourable Court in W.P.No.2860 of 2017 and pass such further or other order and thus render justice.

Prayer in WP(MD). 2860/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus consequently direct the respondents to disburse the petitioner retirement benefits with interest namely Provident Gratuity, Commutation, Earn Leave (EL) Salary (240 days), Pending Earn Leave 90 days (2011 to 2016) Old Sick Leave Salary 64.5 days, as per G.O.No.909 dated 31.07.2004 and sick Leave 90 days and other benefits.

For Petitioner : Mr.S.Sankar

For Respondent : Mr.P.Balasubramanian
Standing Counsel for TNSTC
Kumbakonam



ORDER

The petitioner filed W.P.(MD)No.2860 of 2017, seeking disbursement of his retirement benefits by order dated 20.02.2017, the writ petition was allowed at the admission stage itself. The management was directed to settle the petitioner's terminal benefits. Contending that the order passed by this Court was not complied with, the petitioner filed contempt petition in CONT.P.(MD)No.2497 of 2017 and the same was closed on 28.02.2018, recording the submission of the learned Standing Counsel for the respondent that the amount payable to the petitioner will be paid within two months. According to the petitioner, even this was not adhered to hence, one more contempt petition was instituted.

2.Today, when the matter was taken up for hearing, the learned Standing Counsel for the respondent submitted that the petitioner was paid more than Rs.30,00,000/-. The petitioner is not clear about the exact amount received by him. The respondent passed on a demand draft for a sum of Rs.16,700/- to the petitioner. According to the learned Standing Counsel, the management is no more in arrears. But this statement is disputed by the petitioner's counsel who would claim that a further sum of Rs.3,23,380/- has to be paid.

3.It is seen that in the order passed in the writ petition, the amount payable to the petitioner was not quantified. Therefore if there is any dispute regarding the quantum, the petitioner will have to necessarily file a fresh writ petition. Disputed questions cannot be agitated in contempt petition.

4.With this liberty, the Contempt Petition stands closed. The petitioner is at liberty to file fresh writ petition.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

Sub Assistant Registrar(CS)

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To
The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Railway Station New Road, Kumbakonam.

+1CC TO MR.P.BALASUBRAMANIAN, Advocate Sr. No.92002

+1CC TO MR.S.SANKAR, Advocate Sr. No. 91766

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14.10.2019

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