



WEB COPY

Cont.P(MD)No.1117 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **04.11.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

Cont.P(MD)No.1117 of 2018

in

W.P. (MD)No.171 of 2007

1.P.Sathya

2.P.Raja Sudhakar

: Petitioners/Respondents 3 & 4

Vs.

Raja Sundar,
The General Manager,
Tamil Nadu State Transport Corporation,
Madurai Division - V Ltd.,
6/377, Madurai Road,
Virudhunagar - 626 001.

: Contemnor/Respondent

PRAYER: Contempt Petition is filed under Section 11 of the Contempt of Courts Act, 1971, praying to punish the contemnor/respondent for his willful, wanton disobedience of the order in W.P.(MD)No.171 of 2007, dated 04.11.2011.

Prayer in WP(MD). 171 of 2007 :

This Writ Petition has been preferred under Article 226 of the Constitution of India praying for the issue of a Writ of Certiorari to call for the records of the first respondent in his proceedings in approval petition No. 201/2004 dated 10/01/2006 quash the same.

For Petitioner : Mr.S.Venkatesh

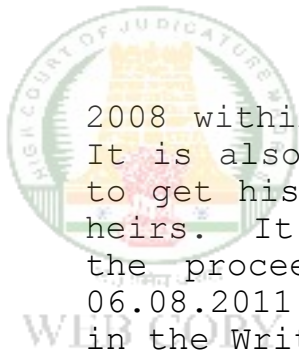
For Respondent : Mr.J.Senthil Kumaraiah

ORDER

This Contempt Petition is filed to punish the respondent/contemnor for his willful disobedience of the order in W.P.(MD)No.171 of 2007, dated 04.11.2011.

2.Challenging the order passed by the Joint Commissioner of Labour (Conciliation), Chennai, in dismissing the approval petition No.201 of 2004, the Writ Petition was filed. This Court confirmed the order of Joint Commissioner of Labour and directed the respondent to pay wages computed by the Labour Court in C.P.No.71 of

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2008 within a period of twelve weeks and to pay arrears of salary. It is also observed that the father of the petitioners is entitled to get his terminal benefits which has to be paid now to the legal heirs. It is admitted before this Court that during the pendency of the proceedings, the father of the petitioners passed away on 06.08.2011 and the petitioners were impleaded as respondents 3 and 4 in the Writ Petition.

3.It is stated in the counter affidavit filed by the respondent that a sum of Rs.8,27,006/- has been paid to the petitioners towards terminal benefits and back wages apart from the amount that was awarded by the Labour Court in the claim petition filed by the workman. The petitioners state that the respondent has to disburse the pension payable to the petitioners' father. However, the respondent/contemnor would contend that no further amount is due. No provision or rule applicable to the employee has been produced before this Court. It is not desirable to decide contentious issues in contempt.

4.The direction of this Court, according to the respondent, has been complied with. Having regard to the factual dispute, this Court closes the contempt petition. However, liberty is given to the petitioners to work out their remedy if they are entitled to any other amount towards pension in law. No costs.

Sd/-

Assistant Registrar (CS III)

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Sub Assistant Registrar(CS)

Srm

+1 CC to M/s.J.SENTHIL KUMARAI AH, Advocate (SR-96152[F] dated 05/11/2019)

+1 CC to M/s.A.SIVAJI, Advocate (SR-96392[F] dated 06/11/2019)

Cont.P(MD)No.1117 of 2018

in

W.P. (MD) No.171 of 2007

04.11.2019

KK/SAR/27.11.2019/2P-3C/