

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2020

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Contempt Petition No.1363 of 2018

K.R.Subramani
S/o.K.Ramiah Naidu ... Petitioner

Vs.

Muthukaruppan
Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Kancheepuram Region,
Kancheepuram. ... Respondent

Contempt Petition filed under Section 11 of the
Contempt of Court Act, praying to punish the respondent
herein for willful disobedience of the order of this Court
passed in W.P.No.4702 of 2015 dated 03.10.2016.

For Petitioner : Mr.S.Sowmiya

For Respondent : Mr.A.Antony Arokiaraja

O R D E R

The present Contempt Petition has been filed by
petitioner alleging non-compliance of the order of this

Court passed in W.P.No.4702 of 2015 dated 03.10.2016,

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wherein this Court has directed respondent to disburse the retiral benefits to the petitioner herein, in twelve equal monthly instalments and that the first instalment shall commence from 01.12.2016.

2. Heard learned counsel for petitioner and learned counsel for respondent.

3. Learned counsel for respondent, relying on the better counter affidavit filed by respondent, submits that petitioner was absent from duty without prior permission from 21.06.2007. Therefore, petitioner was charge sheeted and after conducting due enquiry, final orders were passed imposing punishment of pay reduction from basic pay of Rs.10,035/- to Rs.9,435/- for 5 years with cumulative effect. While so, petitioner submitted an application opting for voluntary retirement under VRS scheme and he was permitted to do so with the terms and conditions applicable for the scheme. In paragraph No.10 of the order dated 15.01.2013 permitting Voluntary Retirement, it was specifically mentioned that 'if any amount due in the corporation can be recovered from the amount payable to the employee who went on voluntary retirement.' Since the petitioner was absented himself from duty continuously from 2009, the punishment of pay reduction was not implemented and hence, the same was taken into account when the

petitioner submitted the check-slip for final settlement and the recovery was worked out as follows:

1. Punishment cash value	:	Rs. 56,744/-
2. Excess Medical Leave 25.5 days granted	:	Rs. 12,391/-
3. 11 days Advance Salary already paid	:	Rs. 5,323/-

Total recovery	:	Rs. 74,458/-

Petitioner was informed under letter dated 12.10.2018 to settle the above dues before receiving the retirement benefits from the Corporation or in the alternate provide consent letter to deduct the above amounts from the settlement. However, no reply was received from petitioner. After due audit, petitioner was paid commutation of pension - Rs.1,17,772/- and pension of Rs.6,109/- is being paid every month. The total amount payable by respondent, after deducting the amount payable by petitioner, is Rs.2,74,044/- In the appeal preferred by petitioner, the punishment was modified to pay reduction for three years. However, the same could not be given effect since the same was passed after the petitioner has voluntarily retired from service. Learned counsel submits that if the petitioner comes forward to pay the dues to the Corporation or in the alternate consents to deduct the same from the benefits payable, the respondent is willing to disburse the remaining benefits at the earliest.

4. Learned counsel for petitioner, relying on the reply of the petitioner, submits that the total amount payable by respondent is Rs.6,62,152/- and hence, prays this Court to settle such amount.

5. Though the petitioner was informed about the dues payable by him, he has not chosen to cause any reply accepting or denying the same. Hence, this Court does not find any contempt. Therefore, this Court is not inclined to proceed further in the Contempt Petition. Petitioner is directed to approach the respondent and settle the issues.

Accordingly, the Contempt Petition is closed.

SD/-

ASSISTANT REGISTRAR (COMM. CASES)

gm

//Certified to be true copy//

Dated at Madras this the day of 2020.

सत्यमेव जयते

COURT OFFICER (O.S.)

from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.

SMI/28/01/2020

To
The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Kancheepuram Region,

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