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Contempt Petition No.534 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :29.10.2020

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Contempt Petition No.534 of 2020

Irudayaraj (PPO No.14297)
S/o Joseph
No.12/30, Bendelmen Garden 1st Street
Royapuram, Chennai - 600 013.

.. Petitioner

vs.

1.Mr.P.Raveendran, IRTS
The Chairman
Chennai Port Trust
Rajaji Salai
Chennai - 600 001.

2.Mr.D.Ramanamoorthy
The Financial Advisor & Chief Accounts Officer
Chennai Port Trust
Rajaji Salai
Chennai - 600 001.

.. Respondents

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act 1971, to punish the respondents for the wilful disobedience of the orders of this Hon'ble Court passed in W.P.No.1865 of 2018 dated 12.04.2019.

For Petitioner : Mr.Elangovan

For Respondents : Mr.Niranjana Rajagopalan



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ORDER

The Contempt Petition has been filed to punish the respondents for the wilful disobedience of the orders of this Hon'ble Court passed in W.P.No.1865 of 2018 dated 12.04.2019.

2.The learned counsel appearing for the respondents filed counter affidavit and relevant paragraph is extracted hereunder:-

"7.I respectfully submit that while seeking to recover the excess gratuity by the very same impugned order, the workmen concerned were also migrated to the Central Government Definition of Pay. This was sought to be challenged by the petitioners here on the ground that the same is contrary to the Supreme Court Judgment and consequently the order dated 06.01.2018 was also set aside by order dated 12.04.2019. Consequent to the same, the Port Trust has not recovered any amount and has complied with the order. Further as there was initially an order of Stay against recovery, dated 30.01.2018, there was no recovery that was made, and therefore no amount that is liable to be refunded. As the order migrating the petitioner from the Port Trust's definition of pay to the Central Govt's definition of pay, along with recovery was quashed, the petitioner continues to receive pension as per their original scheme of pension. In the circumstances there is no non-compliance



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with the order of this Hon'ble Court as alleged and the allegations of contempt made in the affidavit are vague and it is once again denied that there is no compliance or disobedience more so deliberate by the respondent."

3.In view of the above, the Contempt Petition is closed.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

msv

//Certified to be true copy//

Dated at Madras this the day of 2020.

COURT OFFICER(O.S.)

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SMI/10/11/2020

To

1.The Chairman
Chennai Port Trust
Rajaji Salai
Chennai - 600 001.

2.The Financial Advisor & Chief Accounts Officer
Chennai Port Trust
Rajaji Salai
Chennai - 600 001.