



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Friday, the Twenty Sixth day of November Two Thousand and Twenty One

PRESENT

The Hon'ble Mr. Justice S. VAIDYANATHAN

SUB.A.(MD) NO.28 OF 2020

IN

CONT P(MD). No.212 of 2019

WEB COPY

C.Nagarathinam

... Petitioner/Petitioner/Petitioner

Vs

1. Murugesan,
The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Bye- Pass Road, Madurai.
2. Bama,
The Administrator,
Tamil Nadu State Transport Corporation Employees,
Pension Fund Trust, Thiruvalluvar Illam,
Annasalai, Chennai-2. ... Respondent/Contemnors/Respondents

Prayer in SUB.A.(MD) NO.28 OF 2020:-

This Petition filed under section 151 of Civil Procedure Code, pleaded to reopen the contempt petition in Cont. Pet. (MD) NO.212 of 2019 on the file of this Hon'ble Court dated 26/04/2019.

Prayer in CONT P(MD). No.212 of 2019:-

This Petition is filed under section 11 of Contempt of courts Act, to punish the Contemnors/respondents herein for committing grave contempt and willful disobedience of the order passed by this Honble Court in WP(MD)No.18737 of 2018 dated 26.09.2018.

Prayer in WP(MD). 18737/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents to pay the petitioners 50% of back wages from 28.01.2008 to 30.06.2010 (increment on the basis of 2007 settlement), arrears in pension amount from 30.07.2010 to 30.05.2018 (taken account into service period as 31 years) and interest for belated payment of Provident Fund amount and Gratuity amount are all along with 18% interest per annum as per the labour court award in I.D.No. 84 of 2009, dated 09.12.2017.

ORDER:- This Sub Application Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. A.Mu. Sharavanan, Advocate for the Petitioner and of Mr. J. Senthil Kumar, Advocate for the respondents, this Court made the following order:



The petitioner has filed CONT.P.[MD]No.212 of 2019 and this Court disposed of the Contempt Petition on 26.04.2019, observing as follows:

"2.Today, when the matter was taken up for consideration, the learned Counsel appearing for the petitioner submitted that the terminal amount payable to the petitioner is Rs.11,00,000/- whereas, the learned Counsel appearing for the respondents submitted that it is only a sum of Rs.9,01,994/- and the same has also been paid to the petitioner by way of cheques, which is agreed by the learned Counsel appearing for the petitioner.

3.In view of the above submissions, this Court is of the view that nothing survives for adjudication in this Contempt Petition. Hence, recording the same, the Contempt Petition stands closed. However, it is open to the petitioner to file a calculation memo with regard to the terminal amount payable to him, before the respondents and on submission of the same, the respondents shall consider the same, if it is otherwise correct."

2.Subsequent to this, the petitioner has made a representation which was considered and rejected by the authorities concerned on 22.02.2020. That being the case, this gives rise to the fresh cause of action and the Court cannot go into the factual aspects of the disputed quantum in the present Contempt Petition. Hence, giving liberty to the petitioner to challenge the said order, this petition is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TO

1. The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Bye- Pass Road, Madurai.
2. The Administrator,
Tamil Nadu State Transport Corporation Employees,
Pension Fund Trust, Thiruvalluvar Illam,
Annasalai, Chennai-2.



Copy to:

The Section Officer,
Contempt Section,
Madurai Bench of Madras High Court, Madurai.

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ORDER DATED : 26/11/2021

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ORDER

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SUB.A.(MD) NO.28 OF 2020
IN
CONT P(MD). No.212 of 2019

Giving direction and etc.
as stated within.

NA (CO)
SB(19.01.2022) 3P 4C