



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Cont.P. (MD)No.943 of 2020

in

W.P (MD)No.4616 of 2011

WEB COPY

K.Petchiammal

... Petitioner/Petitioner

Vs.

1.Thiru J.Kailainathan

The Director,
Local Funds & Audit,
Kuralagam, 4th Floor,
Chennai - 108.

2.Tmt.Shilpa Prabhakara Sathish I.A.S.,

The District Collector,
Tirunelveli District,
Tirunelveli.

3.Thiru. S.Gopalakrishnan

The Commissioner,
Panchayat Union,
Radhapuram 627 111,
Tirunelveli District.

... Contemnors / Respondents

Prayer: Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondents for their willful deliberate disobedience of the order of this Court made in W.P(MD)No.4616 of 2011, dated 24.06.2019 in letter and spirit.

Prayer in WP(MD). 4616/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, to call for the records of the impugned communication letter passed in vide M.M.No.03/42510/2010 dated 26.11.2010 by the 1st respondent and quash the same as illegal and null and void and consequently direct the 1st respondent to sanction pension with effect from 01.04.1997 as proposed by 3rd respondent vide ந.க.அ. 5/4223/09 dated 22.10.2010 and pay all terminal benefits with arrears within stipulated time.

For Petitioner : Mr.M.Sathiamoorthy

For Respondents : Mr.C.M.Mari Chelliah Prabhu
Additional Government Pleader

O R D E R

The Contempt Application is filed to punish the respondents for disobedience of the orders passed by this Court on 24.06.2019 in



W.P.(MD)No.4616 of 2011. This Court allowed the Writ Petition as hereunder :-

"7. Considering the facts and circumstances of the case, there are no files available on record to establish that the writ petitioner had submitted a resignation. The letter submitted by the writ petitioner for the purpose of resignation also cannot be construed as a letter of resignation. There is no proof to establish that the resignation was properly accepted by the competent authorities.

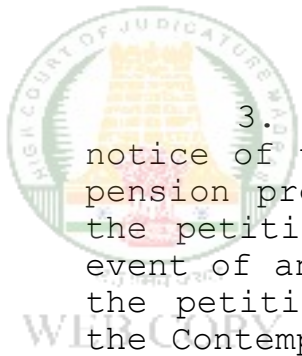
8. Under these circumstances, the non availability of file and the benefit of doubt in this regard is to be held in favour of the writ petitioner for the purpose of grant of pension. In view of the fact that the writ petitioner had served more number of years and eligible for pension under the Tamil Nadu Pension Rules, 1978.

9. This being the factum of the case, the order impugned is improper and not inconsonance with the documents produced before this Court and accordingly, impugned order passed by the first respondent in proceedings M.M.No.03/42510/2010, dated 26.11.2010 is quashed. The respondents are directed to process the pension proposals of the writ petitioner and sanction and disburse the pension to the writ petitioner as per the Pension Rules in force, within a period of twelve weeks from the date of receipt of a copy of this order.

10. The learned counsel for the writ petitioner states that the petitioner was allowed to retire and relieve from service on 30.06.1995. Thus, the said date is to be taken into account for the purpose of retirement and for calculation of pension and pensionary benefits.

11. Accordingly, the Writ Petition stands allowed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed "

2. The learned counsel for the contempt petitioner made a submission that as the petitioner has completed 80 years of age, additional 20% pension is to be added. However, the said enhancement of pension pursuant to the policy decision is no way connected with the Writ Petition, which was decided by this Court in W.P.(MD)No.4616 of 2011.



3. The learned counsel for the respondent brought to the notice of this Court that pursuant to the orders of this Court, the pension proposal was submitted and proposal was sanctioned and now the petitioner is receiving monthly pension continuously. In the event of any other grievance regarding the enhancement or otherwise, the petitioner is bound to approach the Competent Authorities and the Contempt Petition cannot be entertained, as the respondents had already implemented the orders of this Court and granted pension to the writ petitioner.

4. Under these circumstances, the Contempt Petition deserves no further consideration and accordingly, stands closed. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

MPK

To

1. Mr.J.Kailainathan
The Director,
Local Funds & Audit,
Kuralagam, 4th Floor,
Chennai - 108.

2.Tmt.Shilpa Prabhakara Sathish I.A.S.,
The District Collector,
Tirunelveli District,
Tirunelveli.

3. Mr. S.Gopalakrishnan
The Commissioner,
Panchayat Union,
Radhapuram 627 111.
Tirunelveli District.

+1 CC to SGP (SR-25553[F] dated 15/12/2020)

**Cont.P. (MD)No.943 of 2020
in
W.P (MD)No.4616 of 2011**

Dated:
14.12.2020

NR (22/12/2020) 3P : 5C

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