



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

Cont P(MD)No.1795 of 2019

WEB COPY

K.Kandasamy

... Petitioner/Petitioner

Vs.

1.Mr.Murugesan

Managing Director,
Tamil Nadu State Transport Corpn(MDU) ltd.,
By pass road, Madurai.

2.Mr.Venkatraj,

Finance Advisor and Chief Accounts Officer,
Tamil Nadu State Transport Corpn (MDU) Ltd.,
By Pass Road, Madurai.

3.Venkatraj,

Administrator,
TNSTC Employees Pension Trust,
Thiruvalluvar House, SETC Complex,
No.2, Pallavan Salai,
Chennai-600 002.

4.Mr.Rajeshwaran,

General Manager,
Tamil Nadu State Transport Corpn (MDU) Ltd.,
Dindigul Region,
By Pass Road, Dindigul (Post),
Dindigul District.

... Contemnors/Respondents

Prayer: Contempt Petition is filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondents herein for their willful deliberately disobedience of the order passed by this Hon'ble Court in W.P(MD)No.681 of 2019, dated 10.01.2019 of this Hon'ble Court.

Prayer in WP(MD). 681/ 2019 :

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 revise the pension benefits and Pension Arrears, etc with effect from 01.07.2017 and payment of the monetary benefit with effect from 01.10.2017 to till the date of payment at the rate of 12% per Annum Payable for the said monetary benefits based on the VIIth Pay Commission on the base of 251st Board meeting dated 28.08.2018 passed a resolution in



Resolution No.58/2018-19, as per the G.O.Ms.No.134 Transport (D) Department dated 09.04.2018.

For Petitioner : Mr.K.Gokul
For R1, R2 & R4 : Mr.J.Senthil Kumaraiah
For R3 : Mr.A.Swaminathan

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ORDER

The petitioner has come up with this contempt petition complaining that the order dated 10.01.2019 has not been complied with.

2. By order, dated 10.01.2019 I have directed the respondents to extend the benefit of 7th Pay Commission to the petitioner and pay the arrears of pension, if any payable, within a period of two months from the date of receipt of a copy of the order. I had relied upon the order passed by this Court in W.P.(MD)No.21025 of 2018 while passing the order dated 10.01.2019.

3.Mr.J.Senthil Kumaraiah, learned counsel appearing for the respondents 1, 2 & 4 would submit that the Government had subsequently passed a Government Order on 26.08.2019 in G.O.Ms.No.142, Transport (E) Department providing for revision of pension on a notional basis from 01.01.2016 and for payment of monetary benefits with prospective effect only. The scope of the said Government Order was considered by this Court in W.A.(MD)No.1122 to 1127 and 475 of 2019, dated 14.11.2019, wherein the appeals were allowed with the following directions:-

"8(a) The appellants are directed to give effect to the Government Order in G.O.Ms.No.142, Transport (E) Department, dated 26.08.2019 and extend the benefits granted by the Government in paragraph 3(b) of the Government Order, pay monetary benefits prospectively within a period of twelve weeks from the date of receipt of a copy of this order.

(b) We make it clear that acceptance of the payments by the respondents/writ petitioners shall be without prejudice to their rights to question that portion of the Government Order, which according to them are prejudicial to the interest and such other matter as they deem appropriate to adjudicate."

4. The learned counsel for the respondents 1,2 & 4 would also submit that the monetary benefits payable as per the said Government Order have been paid.

5. The learned counsel for the petitioner would however



contend that the respondents have not paid the difference in leave salary, commutation and gratuity.

6. I do not find any positive direction in the order dated 10.01.2019 for payment of the said amounts, hence there cannot be any contempt proceedings for non-payment of those amounts. Leaving it open to the petitioner to make a claim for any arrears that he is entitled to in accordance with law, this contempt petition is closed.

Sd/-

Assistant Registrar ()

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/ /2020

Sub Assistant Registrar(CS)

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+1 CC to MR.J.SENTHIL KUMARAIAH, Advocate (SR-816[F] dated 08/01/2020)

+1 CC to MR.K.GOKUL, Advocate (SR-907[F] dated 08/01/2020)

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