

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2021

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Contempt Petition No.310 of 2020

P.Mani

... Petitioner

-Vs-

Dr.C.N.Mahesvaran I.A.S.,
The Managing Director, Tamil Nadu
Water Supply and Drainage Board
31, Kamarajar Salai, Chepauk
Chennai 600 005.

... Respondents

Prayer : Contempt Petition under Section 11 of the Contempt of Courts Act, 1971, to punish the respondents for having committed Contempt of Court for disobeying the order dated 14.03.2019 made in W.P.No.31520 of 2005.

For Petitioner : Ms.G.P.Arivuchudar for M/s.Law Square
For Respondents : Mr.Eraskine Leo
Standing Counsel

ORDER

This Contempt Petition has been filed for the alleged disobedience of the orders of this Court made in W.P.No.31520 of 2005 dated 14.03.2019.

2. In the said order, the following directions were given by a learned

Judge of this Court.

“ 14. In this connection, the petitioner is granted liberty to make an appropriate application to the first respondent seeking for refund of the amount deducted from his DCRG for the suspension period of 25.04.1997 to 22.09.1998, as well as for the refund pension and arrears of the refund pension. On receipt of such representation, the first respondent shall consider the representation positively, in the light of the observations made in this order and release the claim amount to the petitioner within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected writ miscellaneous petition is also closed.”

3. Since the said order, according to the petitioner, had not been complied with, he filed the present contempt petition.

4. When this contempt petition is taken up for hearing today, the learned Standing Counsel for the respondent would submit that, as per the directions issued by this Court, the revised pension have been calculated and the arrears of pension also was calculated, which comes to the extent of Rs.1,89,574/-for which cheque was given to the petitioner on 07.12.2020.

5. This is the amount, according to the respondent, accrued as revised pension arrears upto 30.06.2019. Insofar as the rest of the period ie., from 01.07.2019 to till date and also for continuous payment of revised pension, orders should have been passed by the respondent fixing the revised pension. In this context, the learned counsel for the respondent also produced the order issued by the respondent dated 05.02.2021 in Lr.No.P2/67950/Pen/HO/2001-1, where the revised / reduced pension after revised commutation value of the pension has also been fixed including the fixation of revised family pension to be paid to the nominee / legal heir in case of death of the pensioner.

6. In this context, the learned counsel for the petitioner would submit that, a sum of Rs.1,89,574/- by way of cheque was paid to the petitioner. That was the revised pension arrear upto 30.06.2019 and for the further period, now only the order dated 05.02.2021 has been passed by the respondent, fixing the revised pension and based on the revised pension, arrears shall be paid from 01.07.2019 to till date to the petitioner and it shall be continued to be paid.

7. He would also submit that, while fixing the revised pension, the revision of pay pursuant to the implementation of the 7th Pay Commission has

not been taken note and therefore, by taking note of the 7th Pay Commission recommendation, the revised pension also has to be fixed and based on which the arrears of revised pension also was to be fixed.

8. In view of the said plea raised by the learned counsel for the petitioner, learned Standing Counsel, on instructions, would submit that, even the revised pension, after implementing the 7th Pay Commission also has been fixed by order dated 12.02.2021 and a copy of the same has also been produced before this Court, where the revised pension, after implementing the 7th Pay Commission recommendation has been fixed and family pension to that effect also has been fixed.

9. Therefore, insofar as the arrears of pay or pension is concerned, the entire amount till the filing of the contempt petition, has been received by the petitioner. The revised pension payable to the petitioner from 01.07.2019 till date and in future, has also been fixed by the two orders of the respondent dated 05.02.2021 and 12.02.2021. Accordingly, the arrears shall be paid to the petitioner within a period of two weeks and thereafter the respondent shall continue to pay the revised pension as per the fixation of the respondent by orders dated 05.02.2021 and 12.02.2021 continuously till the life time of the petitioner and thereafter pay the family pension to the legal heir of the petitioner in case of the death of the petitioner / pensioner.

10. With the above observations, since no further issue is pending in this contempt petition for adjudication, it is closed. It is made clear that pursuant to this order if the respondent fails to pay the revised pension arrears and continue to pay the revised pension as indicated above, it is open to the petitioner to revive this contempt.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

kst

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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GS/08/06/2021

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