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IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 18.01.2021
CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
Contempt Petition No.928 of 2013

P.N.Seetharaman (Deceased)
1.Mrs.Kalyani
W/o Late P.N.Seetharaman
2.V.Usha
D/o Late P.N.Seetharaman
3.P.S.Narayanan
S/o Late P.N.Seetharaman
4.P.S.Suresh
S/o Late P.N.Seetharaman ... Petitioners

-Vs-

M.Pakkirisamy
Sec.cum General Manager
Establishment Matters, TWAD Board
Chennai – 5. ... Respondent in Cont.P.928/2013

1.The Managing Director
Tamil Nadu Water Supply and Drainage Board
31, Kamarajar Salai, Chepauk, Chennai-5.

2.The Secretary to Government
Finance (Pension) Department
Fort St.George, Chennai – 9.

3.The Joint Chief Engineer (General)
Tamil Nadu Water Supply and Drainage Board
Head Office, Chepauk, Chennai 600 005. ... Respondents in W.P.No.27072 of 2008

Prayer : Contempt Petition under Section 11 of the Contempt of Courts Act, 1970, to punish the respondents for having committed Contempt of Court for disobeying the order dated 24.08.2010 made in W.P.No.27072 of 2008.

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For Petitioners : Mr.C.M.Mohanasundaram
For Respondents : Mrs.S.Thamizharasi,
Standing Counsel – for RR 1 and 3
Ms.Narmadha Sampath,
Additional Advocate General
for Mr.M.Elumalai, Addl.Govt.Pleader
- for R2

O R D E R

This Contempt Petition has been filed for the alleged disobedience of the orders of this Court dated 24.08.2010 in W.P.No.27072 of 2008.

2. The issue which was decided in the writ petition is pertaining to the pension to be sanctioned for the petitioner in the writ petition. Taking into consideration of the legal position as well as the health condition of the petitioner, who filed the said writ petition, the learned Judge who disposed of the writ petition, has passed the following order.

"*6. Considering the above facts and circumstances and considering the fact that the petitioner has put in 9 years, 11 months and 17 days of service, which is short of only 13 days for sanctioning of the pension, I am of the considered view that G.O.Ms.No.24, Finance (Pension) Department dated 13.01.1986 shall be applicable to the case of the petitioner. The petitioner who has retired from service in the year 1984*

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and who is now aged about 84 years and who is longing for life, in view of cancer, I am of the considered view that the respondents shall not drive the petitioner again by rejecting the claim of the petitioner for sanction of pension.

7. In fine, the impugned order of the third respondent dated 05.09.2008 is liable to be set aside and accordingly set aside and the writ petitioner shall be considered in view of the reasons stated above within a period of two months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed. However, no orders as to costs."

3. Since the said order has not been complied with, the present contempt petition has been filed by the legal heirs of the deceased writ petitioner. Today, when the Contempt Petition is taken up for hearing, the learned Additional Advocate General appearing on behalf of the second respondent submitted that, though belatedly, the orders of this Court has been complied with by issuing a Government Order in G.O.Ms.No.4 issued by the Municipal Administration and Water Supply Department dated 08.01.2021 by which the sanction of pension as has been directed by this Court in the order dated 24.08.2010 in the aforesaid writ petition has been

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sanctioned to the petitioner's legal heirs, as in the meanwhile the petitioner in the writ petition has deceased.

4. However, learned counsel for the petitioners submits that, the said Government Order dated 08.01.2021 has not been served on the legal heirs of the petitioner and assuming that the Government Order has been issued, the arrears of pensionary benefits payable to the petitioner to and in favour of the petitioner's legal heirs have to be paid and until and unless the amount is settled, it cannot be construed as full compliance of the orders of this Court.

5. I have considered the submissions made by the learned counsel appearing for both sides and also taken note of the developments that have taken place as stated supra.

6. Since the Government has issued a Government Order, where the petitioner's pensionary benefits have been sanctioned to the legal heirs of the petitioner and the learned Additional Advocate General appearing for the respondents would also submit before this Court that, the amount payable to the petitioner pursuant to the G.O., referred to above, has already been calculated and the cheque is ready and once the legal heirs of the deceased petitioner approach the respondents by making a formal request with the Legal Heirship Certificate, immediately the same would be considered and

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accordingly the amount payable to the petitioner's legal heirs towards the pension arrears would be paid, this Court feels that no further orders are required to be passed in this Contempt Petition as nothing is to be persuaded further.

7. Hence, this Contempt Petition is closed with a direction to the respondents to issue a copy of the G.O.No.4, Municipal Administration and Water Supply Department dated 08.01.2021 to the legal heirs of the deceased petitioner within two weeks period and on receipt of the same, the legal heirs of the deceased petitioner shall approach the respondents with a formal request along with the Legal Heirship Certificate obtained from the competent authority and on such approach, the same shall be considered and accordingly, the arrears of pension shall be disbursed to the legal heirs of the deceased petitioner within a period of two weeks thereafter.

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/04/08/2021

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