

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2021

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

Contempt Petition No.1199 of 2020

T.Mani

.. Petitioner

-Vs-

1. Thiru Srinivas R Reddy, I.F.S.,
The Managing Director
Tamilnadu Tea Plantation Corporation Ltd.,
Orange Grove Road, Coonoor – 643 101
The Nilgiris.
2. Thiru N.Jayaraj, I.F.S.,
The General Manager
Tamilnadu Tea Plantation Corporation Ltd.,
Orange Grove Road, Coonoor – 643 101
The Nilgiris.
3. Thiru J.Beno
Assistant Manager
Tamilnadu Tea Plantation Corporation Ltd.,
Orange Grove Road, Coonoor – 643 101
The Nilgiris.

.. Respondents

Prayer : Contempt petition filed under Section 11 of the Contempt of Courts Act, 1971 to haul the respondents for committing contempt of court orders made in W.P.No.39275 of 2003 dated 30.10.2018.

For Petitioner : Mr.A.R.Suresh

ORDER

This Contempt Petition has been filed for the alleged disobedience of the orders of this Court dated 30.10.2018 made in W.P.No.39275 of 2003.

2. When the contempt petition came up for hearing today, Mr.A.R.Suresh, learned counsel for the petitioner would submit that, pursuant to the order dated 30.10.2018, the respondents by various proceedings dated 18.06.2020 and 13.07.2020 disbursed certain amounts as retiral due payable to the petitioner.

3. He would further submit that, in this context in view of the writ petition that was pending for some years before this Court which was ultimately decided only on 30.10.2018, the petitioner's promotional due was not considered and had it been considered in proper perspective by the employer, the petitioner's services and salary benefits would have been different or enhanced and therefore, based on such enhanced salary, the due could have been calculated and paid by the respondents, which they have not done so far and therefore, in respect of the remaining balance, which according to the petitioner since has not so far been done by the employer, it amounts to contempt and hence the present contempt petition has been filed, he contended.

4. I have considered the submissions made by the learned counsel for the petitioner and also perused the materials placed on record.

5. The operative portion of the order passed by this Court dated 30.10.2018 reads thus,

“16. In that view of the matter, this Court has no hesitation to hold that the impugned order of punishment is liable to be interfered with and accordingly, the impugned order is quashed. It is made clear that, the respondents are at liberty to recover the rental arrears, if any, the arrears of pay or pensionary benefits, if any, in view of the said setting aside of the order of punishment passed against the petitioner, such emoluments shall be calculated and paid to the petitioner within a period of three months from the date of receipt of copy of this order.”

6. Pursuant to the order, the respondents having calculated the retiral dues and other service benefits payable to the petitioner, paid the same and in this regard the aforesaid proceedings also have been issued, which are filed along with the affidavit filed in support of the writ petition.

7. Beyond the said payment made by the employer, if still any issue is there with regard to the notional promotion and for corresponding pay benefits, it is for the petitioner to agitate the issue in the manner known to law and therefore if such a grievance is projected by the petitioner, this Court is of the considered view that

contempt petition cannot be filed as prima facie this Court feels that the

respondents have not willfully disobeyed the orders of this Court dated 30.10.2018.

8. In that view of the matter, this Contempt petition is not maintainable and is liable to be rejected. Accordingly, it is dismissed, however the dismissal or rejection of this contempt petition will not preclude the petitioner from agitating the issue if he still has any grievance against the respondents, in the manner known to law.

kst

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.

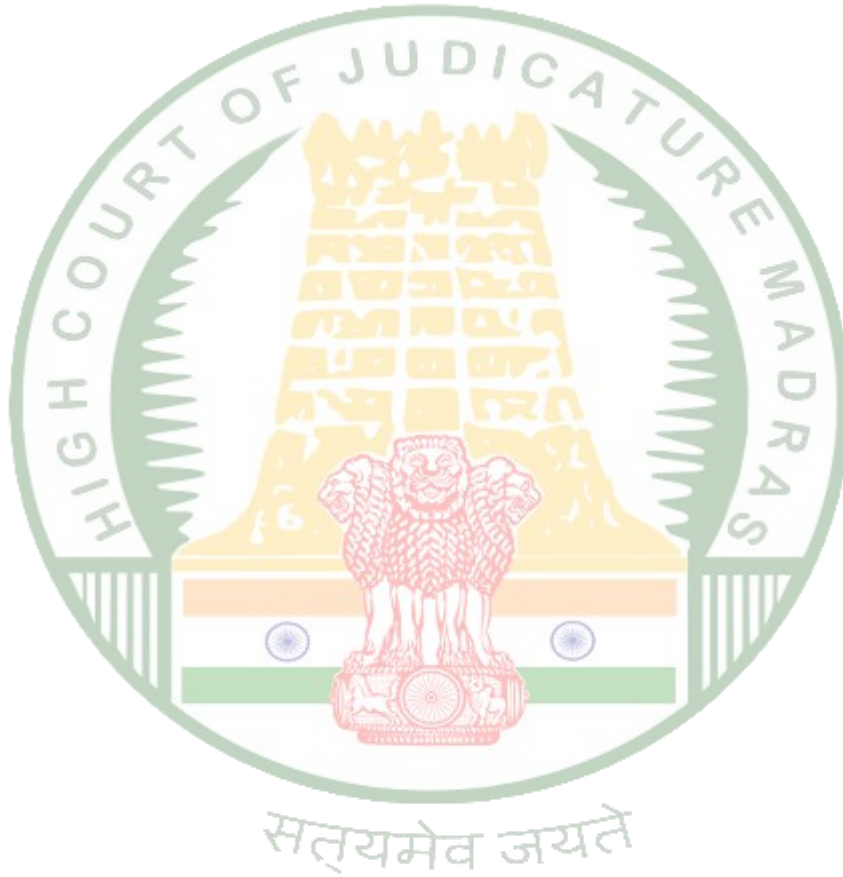
IM/22/01/2021

WEB COPY

To

1. The Managing Director
Tamilnadu Tea Plantation Corporation Ltd.,
Orange Grove Road, Coonoor – 643 101
The Nilgiris.

2. The General Manager
Tamilnadu Tea Plantation Corporation Ltd.,
Orange Grove Road, Coonoor – 643 101
The Nilgiris.
3. The Assistant Manager
Tamilnadu Tea Plantation Corporation Ltd.,
Orange Grove Road, Coonoor – 643 101
The Nilgiris.



WEB COPY