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CONT.P.NO.1739 OF 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2021

CORAM

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

CONT.P.NO.1739 OF 2019

in

CONT.P.No.2667 of 2018

A.Abdul Azeez,
No.41-B,
Nagoorsalai, P.Konthagai,
Thittacherri 609 703,
Nagapattinam District

.. Petitioner/Petitioner

Versus

R.Ponmudi
Managing Director
Tamilnadu State Transport Corporation Ltd.,
Kumbakonam Division
Kumbakonam – 612 001.

.. Respondent/Respondent

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondent for his wilful and deliberate disobedience of the order dated 01.03.2019 made in Cont.Pet.No.2667 of 2018.

For Petitioner : Mr.R.Sivakumar

For Respondent : Mr.D.Venkatachalam



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ORDER

The present Contempt Petition has been filed against non implementation of the order passed in W.P.No.21758 of 2011 dated 21.12.2017, wherein this Court has modified the punishment and ordered payment of 25% of backwages and arrears of wages till the date of retirement and other retirement benefits as admissible to him.

2.On an earlier occasion, the petitioner preferred a Contempt Petition in Cont.P.No.2667 of 2018, wherein the respondent has produced the statement of amount that was settled to the petitioner. However, on the request of the petitioner, this Court, on 01.03.2019, has directed the respondent to disclose the basis of the calculation for arriving at the final figure to the petitioner within a period of four weeks from the date of receipt of a copy of the said order. Thereafter, on 02.03.2019, the respondent has furnished the statement of accounts, as requested by the petitioner. Aggrieved over the same, the petitioner has preferred the writ petition in W.P.No.3147 of 2021.

3.The learned counsel appearing for the petitioner would contend that the respondent has deliberately applied wrong calculation and arrived at a much lesser amount. Therefore, the deliberate wrong implementation with ulterior motive amounts to Contempt of Court.



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4.Considering the fact that the respondent has settled the retirement benefits to the petitioner and furnished the statement of calculation and moreover, the calculation made by the respondent gives rise to fresh cause of action and it can be challenged by way of Writ Petition, I do not find anything survives for maintaining the Contempt Petition. Accordingly, the Contempt Petition is closed. However, it is open to the petitioner to work out his remedy in the Writ Petition filed in this regard.

SD/-
ASSISTANT REGISTRAR(COMM.CASES)

tk

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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GS/19/04/2021

To

The Managing Director
Tamilnadu State Transport Corporation Ltd.,
Kumbakonam Division
Kumbakonam – 612 001.