



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

CONT P(MD)No.439 of 2020

S.John

... Petitioner/Petitioner

Vs.

1.Mr.K.Ilangovan,
Managing Director,
The Management of State Express
Transport Corporation,
(Tamil Nadu) Limited,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-2.

2.Mr.Gunasekaran,
The General Manager,
State Express Transport Corporation
(Tamil Nadu) Limited,
Represented by its Managing Director,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-2.

... Contemnors/Respondents

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, to initiate appropriate contempt proceedings against the contemnors/respondents herein for their willful, wanton and deliberate non-compliance of the order made in W.P(MD) No.20985 of 2018, dated 12.10.2018 and to punish the contemnors/Respondents for committing contempt of court.

Prayer in WP(MD). 20985/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of declaration, declaring the action of the respondents in imposing recovery of Rs.86,400/- under the head of Non-Implemented Punishments of Increment cuts from the petitioners terminal benefits as illegal, null and void and without jurisdiction and to forbear the respondents from making recovery of Rs.86,400/- from the petitioners terminal benefits and consequently direct the respondents to



pay his recovered amount of Rs.66,400/- together with interest at the rate of 18% per annum payable from 31.07.2018 to till the date on which the above amount is settled to the petitioners.

For Petitioner : Mr.A.Rahul

For R1 & R2 : Mr.R.Rajamohan

WEB COPY

ORDER

Alleging disobedience of the order of this Court in W.P(MD) No.20985 of 2018, dated 12.10.2018, the petitioner has preferred the present Contempt Petition, to punish the contemnors.

2. According to the learned counsel for the respondents, there was a non-implemented punishment of increment cut to an extent of Rs.86,400/- and a sum of Rs.66,400/- was recovered from the petitioner before filing of the writ petition. This Court, by order, dated 12.10.2018 following the judgment of the Division Bench of this Court in W.A(MD)No.465 of 2017, dated 30.06.2017, has held as follows:-

"3.Since the issue is squarely covered by various orders passed by this Court, in the light of the Division Bench Judgment in W.A(MD)No.465 of 2017, dated 30.06.2017, this writ petition is disposed of with a direction to the respondents to settle the entire terminal benefits due and payable to the petitioner through twelve equal monthly installments carrying interest of 6% p.a., The first installment should commence from November, 2018 and each of the installments should be paid on or before 10th of each month. In case of any delay in the payment of the installments, the interest payable would become 18% p.a., for the delayed period apart from any other remedy which may be available to the petitioner for such non-payment of the instalments."

3. Once this Court has come to the conclusion that the principle there in is applicable to the facts of the case, there cannot be any recovery of amount with regard to non-implemented punishment cut.

4. According to the respondents, there is no mention in the order as the amount already recovered shall be paid, but the entire amount has been paid and part of the amount of Rs.66,400/- has been recovered even before the filing of the writ petition is to be paid. Once the legal Principles laid down in the writ appeal in W.A(MD)No.465 of 2017 is made applicable, it is duty bound to the respondents to return the amount of Rs.66,400/-.



Hence, the respondents are directed to refund a sum of Rs.66,400/- to the petitioner along with interest at the rate of 4% within a period of one month from the date of receipt of a copy of this order.

5. In view of the above, the Contempt Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1.Mr.K.Ilangovan,
Managing Director,
The Management of State Express
Transport Corporation,
(Tamil Nadu) Limited,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-2.

2.Mr.Gunasekaran,
The General Manager,
State Express Transport Corporation
(Tamil Nadu) Limited,
Represented by its Managing Director,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-2.

+1 CC to M/s.A.RAHUL, Advocate (SR-36401[F] dated 29/11/2021)

+1 CC to M/s.R.RAJAMOHAN, Advocate (SR-36375[F] dated 29/11/2021)

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RK(09/12/2021) 3P 5C