



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Wednesday, the Seventeenth day of March Two Thousand and Twenty One

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PRESENT

The Hon`ble Mr. Justice M.DHANDAPANI

SUB A(MD). No.113 of 2018
in Cont P(MD)No.155 of 2017 in WP(MD)No.18730 of 2016

K.Murugan

... Petitioner/Petitioner

Vs

1 Muthukrishnan, Managing Director,
Tamilnadu State Transport Corporation(Madurai) Limited,
Bye Pass Road, Madurai-16.

2 R.Sukumar, Financial Advisor & Chief Accounts Officer,
Tamilnadu State Transport Corporation(Madurai) Limited,
Bye Pass Road, Madurai-16.

... Contemnors/Respondents

Prayer in SUB A(MD). NO.113/2018 :-

Sub Application filed under Section 151 of Civil Procedure Code, praying this Hon'ble Court to Revive the Contempt petition (MD).No.155 of 2017 in WP(MD).No.18730 of 2016 dated 31.01.2018.

Prayer in CONT P(MD). NO.155/2017 :-

Contempt Petition filed under Section 11 of Contempt of Court's Act, praying this Court to commit and punish the Respondents for their wilful disobedience of non - compliance of the order dated 30/09/2016 passed in W.P.(MD) NO.18730/2016

Prayer in WP(MD)NO.18730/2016

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of mandamus, directing the respondents to pay all the terminal benefits amount payable to the Petitioner including Provident Fund, Gratuity, unavailed leave Salary, Service - Surrender leave salary and Dearness allowance arrears together with 18% interest from the date of retirement i.e. 29/02/2016 to till the date of payment and all other attendant benefits to the Petitioner within the stipulated period.



ORDER:-

This Application coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. A Rahul, Advocate for the Petitioner and of Mr.J. Senthil Kumaraiah, Standing Counsel For Respondents, this Court made the following order:

This Court, by order dated 30.09.2016, directed the Transport Corporation to settle the terminal benefits of the petitioner with interest at 6% per annum and in case of delay in making instalments, the interest payable could be 18% for the delayed period.

2. Pursuant to the notice, the contemnors/respondents appeared before this Court and produced the particulars of terminal benefit settlement before this Court.

3. On perusal of the payment details produced by the contemnors/respondents, it is seen that the entire amount was settled and the portion of interest also settled.

4. The learned counsel appearing for the petitioner would submit that though the terminal benefits were settled to the petitioner, no interest amount was paid to him. However, the learned Standing counsel appearing for the respondents/cotemnors would submit that the interest amount was also paid to the petitioner.

5. In view of the disputed question of fact, this Court cannot adjudicate the matter in the sub application. Accordingly, this petition is closed.

6. The appearance of the contemnors/respondents is dispensed with.

Sd/-

Assistant Registrar(CS-)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

- 1 The Managing Director,
Tamilnadu State Transport Corporation(Madurai) Limited,
Bye Pass Road, Madurai-625 016.



2 The Financial Advisor & Chief Accounts Officer,
Tamilnadu State Transport Corporation(Madurai) Limited,
Bye Pass Road, Madurai-625 016.

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ORDER DATED : 17/03/2021

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ORDER
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SUB A(MD). No.113 of 2018
in Cont P(MD)No.155 of 2017
in WP(MD)No.18730 of 2016

Closing this Application to
Revive the Contempt petition
(MD).No.155 of 2017 in WP(MD).
No.18730 of 2016

SSS(CO)
TR(18.05.2021) 3P 3C