



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

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

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

Sub A(MD)Nos.233 to 238 of 2018
in

CONT P(MD)Nos.691,706,707,711,712,795 of 2017

Sub A(MD)No.233 of 2018:

C.RAMACHANDRAN

... PETITIONER/ PETITIONER/
PETITIONER

Vs

M.BALAKRISHNASAMY,
THE MANAGING DIRECTOR,
TAMIL NADU STATE TRANSPORT CORPORATION (TIRUNELVELI) LTD,
NO.19, TRIVANDRUM ROAD,
VANNARPETTAI POST,
TIRUNELVELI 627 003.

... RESPONDENT/ CONTEMNOR/
1st RESPONDENT

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to reopen the case pertaining to the order passed by this Hon'ble Court in Contempt Petition(MD)No.691 of 2017 in WP(MD)No.17832 of 2016 dated 29.01.2018.

Prayer in Contempt Petition(MD)No.691 of 2017:

Contempt Petition filed under section 11 of the Contempt of Courts Act, to punish the respondent herein under Contempt of Court for wilful disobedience of the order of this Court, dated 20.09.2016 passed in W.P.(MD)No.17832 of 2016.

Prayer in WP(MD). 17832/ 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 disburse all the terminal benefits including Provident Fund, Gratuity, Surrender of Earned Leave and other benefits to the petitioner.

Sub A(MD)No.234 of 2018:

V.DAVID

... PETITIONER/ PETITIONER/
PETITIONER



Vs

M.BALAKRISHNASAMY,
THE MANAGING DIRECTOR,
TAMIL NADU STATE TRANSPORT CORPORATION (TIRUNELVELI) LTD,
NO.19, TRIVANDRUM ROAD,
VANNARPETTAI POST,
TIRUNELVELI 627 003.

... RESPONDENT/ CONTEMNOR/
1st RESPONDENT

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to reopen the case pertaining to the order passed by this Hon'ble Court in Contempt Petition(MD)No.706 of 2017 in WP(MD)No.20777 of 2016 dated 29.01.2018.

PRYAER IN Contempt Petition(MD)No.706 of 2017:

Contempt Petition filed under section 11 of the Contempt of Courts Act, to punish the respondent herein under Contempt of Court for wilful disobedience of the order of this Court, dated 26.10.2016 passed in W.P.(MD)No.20777 of 2016.

Prayer in WP(MD). 20777/ 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 disburse the Gratuity, Surrender of Earned and Medical Leaves to the petitioner and thus render justice.

Sub A(MD)No.235 of 2018:

K.ALFRED

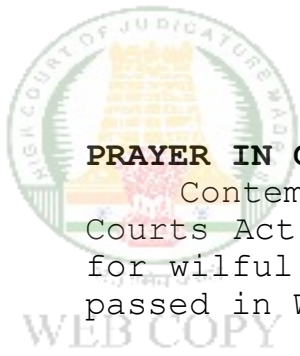
... PETITIONER/ PETITIONER/
PETITIONER

Vs

M.BALAKRISHNASAMY,
THE MANAGING DIRECTOR,
TAMIL NADU STATE TRANSPORT CORPORATION (TIRUNELVELI) LTD,
NO.19, TRIVANDRUM ROAD,
VANNARPETTAI POST,
TIRUNELVELI 627 003.

... RESPONDENT/ CONTEMNOR/
1st RESPONDENT

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to reopen the case pertaining to the order passed by this Hon'ble Court in Contempt Petition(MD)No.707 of 2017 in WP(MD)No.20778 of 2016 dated 29.01.2018.



PRAYER IN Contempt Petition(MD)No.707 of 2017

Contempt Petition filed under section 11 of the Contempt of Courts Act, to punish the respondent herein under Contempt of Court for wilful disobedience of the order of this Court, dated 26.10.2016 passed in W.P.(MD)No.20778 of 2016.

Prayer in WP(MD). 20778/ 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 disburse the amount of sanctioned leave salaries and the pension amount for 3 months (April to June 2013) payable to the Petitioner, Husband of late J.Rengitham, Superintendent, EDP No. 681 expired on 2.4.2013 and thus render justice.

Sub A(MD)No.236 of 2018:

M.DHARMAR

... PETITIONER/ PETITIONER/
PETITIONER

Vs

M.BALAKRISHNASAMY,
THE MANAGING DIRECTOR,
TAMIL NADU STATE TRANSPORT CORPORATION (TIRUNELVELI) LTD,
NO.19, TRIVANDRUM ROAD,
VANNARPETTAI POST,
TIRUNELVELI 627 003.

... RESPONDENT/ CONTEMNOR/
1st RESPONDENT

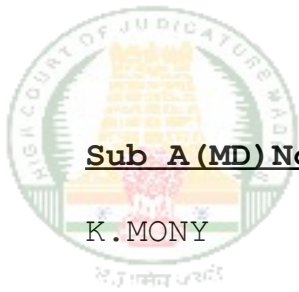
Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to reopen the case pertaining to the order passed by this Hon'ble Court in Contempt Petition(MD)No.711 of 2017 in WP(MD)No.20776 of 2016 dated 29.01.2018.

PRAYER IN Contempt Petition(MD)No.711 of 2017:

Contempt Petition filed under section 11 of the Contempt of Courts Act, to punish the respondent herein under Contempt of Court for wilful disobedience of the order of this Court, dated 26.10.2016 passed in W.P.(MD)No.20776 of 2016.

Prayer in WP(MD). 20776/ 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 disburse the sanctioned Gratuity to the petitioner and thus render justice.



Sub A(MD)No.237 of 2018:

K.MONY

... PETITIONER/ PETITIONER/
PETITIONER

WEB COPY

Vs

M.BALAKRISHNASAMY,
THE MANAGING DIRECTOR,
TAMIL NADU STATE TRANSPORT CORPORATION (TIRUNELVELI) LTD,
NO.19, TRIVANDRUM ROAD,
VANNARPETTAI POST,
TIRUNELVELI 627 003.

... RESPONDENT/ CONTEMNOR/
1st RESPONDENT

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to reopen the case pertaining to the order passed by this Hon'ble Court in Contempt Petition(MD)No.712 of 2017 in WP(MD)No.16963 of 2016 dated 29.01.2018.

PRAYER in Contempt Petition(MD)No.712 of 2017:

Contempt Petition filed under section 11 of the Contempt of Courts Act, to punish the respondent herein under Contempt of Court for wilful disobedience of the order of this Court, dated 08.09.2016 passed in W.P.(MD)No.16963 of 2016.

Prayer in WP(MD)No.16963/ 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 disburse the petitioners Provident Fund, Gratuity, Surrender of Earned and Medical Leave and other benefits and thus render justice.

Sub A(MD)No.238 of 2018:

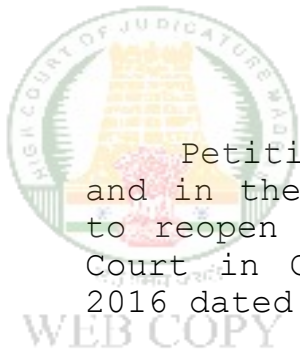
K.CHANDRA BOSE

... APPLICANT/ APPLICANT/
PETITIONER

Vs

M.BALAKRISHNASAMY,
THE MANAGING DIRECTOR,
TAMIL NADU STATE TRANSPORT CORPORATION (TIRUNELVELI) LTD,
NO.19, TRIVANDRUM ROAD,
VANNARPETTAI POST,
TIRUNELVELI 627 003.

... RESPONDENT/ CONTEMNOR/
1st RESPONDENT



Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to reopen the case pertaining to the order passed by this Hon'ble Court in Contempt Petition(MD)No.795 of 2017 in WP(MD)No.17105 of 2016 dated 29.01.2018.

PRAYER IN Contempt Petition(MD)No.795 of 2017

Contempt Petition filed under section 11 of the Contempt of Courts Act, to punish the respondent herein under Contempt of Court for wilful disobedience of the order of this Court, dated 09.09.2016 passed in W.P. (MD)No.17105 of 2016.

Prayer in WP(MD)No.17105/ 2016 :

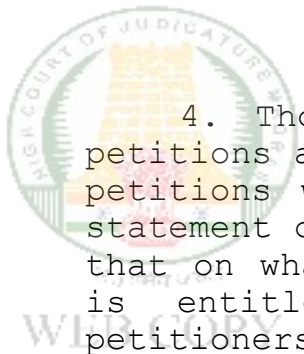
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the Respondents to disburse the petitioners Provident Fund, Gratuity, Surrender of Earned and Medical Leave and other benefits.

ORDER : These petitions coming up for orders on this day, upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of Mr.C.K.M.APPAJI, Advocate for the petitioner in all the petitions and of Mr.K.SATHIYASINGH, Standing Counsel on behalf of the Respondent in all the petitions, the court made the following order:-

It appears that in the earlier occasion, the petitioners filed writ petitions seeking writ of mandamus to direct the respondents therein to disburse all the terminal benefits including Provident Fund, Gratuity, Surrender of Earned Leave and other benefits to the petitioner.

2. This Court, by its order dated 20.09.2016 issued a direction to the Transport Corporation to settle the terminal benefits in twelve equal monthly instalments and the fixed time limit for payment to be paid on or before 10th of every succeeding month and if the amount is not paid in time, the respondents has to pay 18% for the delay period and further this Court observed that the petitioners are entitled to interest for the amount already settled. For non-compliance of the said order, the petitioner also filed contempt petitions and this Court, by order dated 29.01.2018 recorded the contemnor's statement as if the entire amount has already been paid to the petitioners and they undertake to pay the interest within a period of two months. Since the said undertaken was not complied with, the present Sub Applications were filed.

3. Heard the learned Counsel appearing for the petitioners and the learned Standing Counsel appearing for the respondent and perused the materials placed on record.



4. Though this Court issued several directions in the writ petitions and for non-compliance of the earlier orders, the contempt petitions were filed and the same were closed after recording the statement of the contemnor, however the petitioners did not disclose that on what portion of the amount was not settled and what period is entitled for interest and without any particulars, the petitioners simply filed the present sub applications, which are not sustainable one. Further, the issues were settled in the year 2018 for payment of interest. Considering the huge financial loss sustained by the Transport Corporation, ordering payment of interest at 18% by the Transport Corporation for the bulk payment of terminal benefits is not an acceptable one. In view of the present scenario, this Court is not inclined to entertain the sub applications filed by the petitioners.

5. For the reasons stated above, all the Sub Applications are dismissed.

sd/-
10/03/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

M.BALAKRISHNASAMY,
THE MANAGING DIRECTOR,
TAMIL NADU STATE TRANSPORT CORPORATION (TIRUNELVELI) LTD,
NO.19, TRIVANDRUM ROAD, VANNARPETTAI POST,
TIRUNELVELI 627 003.

ORDER IN
Sub A(MD)Nos.233 to 238 of 2018
IN CONT P(MD)Nos.691,706,707,711,
712,795 of 2017
Date :10/03/2021

SSL
MS/PN/SAR-1/15.03.2021/6P.2C