



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

CONT.P[MD]No.1733 of 2019

in

W.P.[MD]No.24 of 2014

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T.S.Balasubramanian

: Petitioner/Respondent

Vs.

Mr.Ponmudi,  
Managing Director,  
Tamil Nadu State Transport Corporation  
(Kumbakonam Division II) Ltd.,  
Periyamilaguparai,  
Thiruchirappalli.

: Contemnor/Respondent

**PRAYER:** Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, praying to punish the contemnor / respondent for willfully disobeying and complying with the order of this Court dated 04.12.2016 in W.P.[MD]No.24 of 2014.

**Prayer in WP(MD). 24/ 2014 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari calling for the records relating to the impugned order passed by the 2nd Respondent herein dated 28.08.2012 in ID No. 170 of 2002 and quash the same and pass such further or other orders.

For Petitioner : Mr.S.Arunachalam

For Respondent : Mr.D.Sivaraman

### O R D E R

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The present Contempt Petition has been preferred on the ground that the order dated 04.12.2016 in W.P.[MD]No.24 of 2014 of this Court has not been complied.

2.Both parties referred to paragraph No.12 of the order dated 04.12.2016 and the same reads as follows:

"12.I find much force in the contention of the petitioner. Hence, this Writ Petition is allowed and this Court set aside the award and the order of dismissal passed by the management is restored. No costs. Consequently, connected miscellaneous petition is closed. This Court makes it very clear that the order of dismissal passed by the management dated 29.09.2001 is not a bar for the management in settling the payments like gratuity, provident fund and pension in any applicable up-to the date of dismissal, if he



*is otherwise eligible and if there are no legal impediments."*

**3.**According to the learned Counsel for the petitioner, the intention of the Court is to convert the dismissal into one of discharge and that was the reason why the Court has directed the respondent to extend the pensionary benefits to the employees. It is submitted that even though Gratuity and Provident Fund has been paid, pensionary benefits have not been extended.

**4.**Learned Counsel for the respondent Mr.D.Sivaraman drew the attention of the Court to the Tamil Nadu State Transport Corporation Employees' Pension Fund Trust Rules and referred to Section 2(i) and Section 21 of the Rules, which are extracted hereunder:

*"2(i) "Member" shall mean a regular employee who is eligible to be a member under the Rules but shall not include an employee, who having been admitted as a member, has subsequently retired or has ceased to be eligible for membership as hereinafter prescribed and includes the employee whose services have otherwise been terminated by reason of dismissal, resignation, retrenchment or otherwise. The STUs shall communicate the names of the new members to the Trustees within one month of their appointment and the details of outgoing employees shall also be furnished within one month.*

*....*

**21.GUARANTEE OF PENSIONARY BENEFITS:**

*a) The payment of benefits will be guaranteed by the Pension Trust. Provided further, a member removed or dismissed from service shall have no claim over pension / pensionary benefits.*

*b) The Trustees shall, for the purpose of providing the pension for the members pursuant to the Rules, accumulate the contributions in respect of the members from all the STUs and pay the eligible pensionary benefits to the individual members directly through the respective Corporations.*

*c) The beneficiary shall furnish a live certificate every year as directed by the Board of Trustees."*

**5.**According to learned Counsel for respondent a person who is removed or dismissed from service will not be entitled to any pensionary benefits, even though the petitioner was a member of the



Pension Trust. Once there is no employer employee relationship except on account of retirement or voluntary retirement, no pensionary benefits can be extended to the petitioner.

6. Heard both sides.

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7. It is not in dispute that this Court has passed the aforesaid order, more so, in paragraph No.12 which has been extracted supra. This Court cannot go beyond the scope of the order mentioned in the writ petition. The contention of the petitioner that this Court has intended to grant pensionary benefits and hence the respondent is liable to be punished for contempt cannot be accepted.

8. A reading of the order makes it clear that if the petitioner is otherwise eligible and in case there are no legal impediments, the benefits can be granted. When the Rule speaks otherwise, this Court cannot come to the conclusion that there is violation of the orders of the Court mentioned supra. Hence, this Contempt Petition is dismissed. However, this Court is not preventing the petitioner from availing any other remedy available to him in accordance with law.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR

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**

Mr. Ponmudi,  
Managing Director,  
Tamil Nadu State Transport Corporation  
(Kumbakonam Division II) Ltd.,  
Periyamilaguparai,  
Thiruchirappalli.

+1 CC to M/s.D.SIVARAMAN, Advocate ( SR-36334[F] dated 29/11/2021 )

**CONT.P[MD]No.1733 of 2019**

**26.11.2021**

RK(12/01/2021) 3P 3C

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