



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

Cont.P. (MD)No.1685 of 2018

M.Jayaraj

... Petitioner/Petitioner

versus

1. Thiru.Arumugam,
The General Manager,
Tamilnadu State Transport Corporation
(Kumbakonam) Ltd.,
Pudukottai Region,
Pudukottai.

2. Thiru.Muniyappan,
The Administrator,
Tamil Nadu State Transport Employees
Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai - 2.

... Contemnors/Respondents

Contempt Petition filed under Section 11 of Contempt of Courts Act, to punish the contemnors/respondents for willfully disobeying and not complying with the order of this Court dated 05.12.2016 in W.P.(MD)No.23635 of 2016.

Prayer in WP(MD). 23635/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 1st respondent to pay the petitioner Rs.3,08,991/- towards Gratuity and Rs.3,28,022/- towards Leave Salary together with 18% interest per annum, along with interest amount towards the delayed payment of EPF Employees Contribution amount Rs.4,21,077/- for the period from 31.07.2014 to 22.09.2014 at the rate as per EPF Scheme and further directing the respondents to pay Rs.1,44,350/- towards the pension Commutation and also arrears of pension for the period from 01.08.14 by revising his pension, together with 18% interest per annum, after calculating all his terminal / pension benefits based on the monthly wages payable to him on the month of his retirement i.e., July 2014 by revising the same as per the settlement dated 13.04.2015, as ordered by the Honourable Division Bench of this Court in its order dated 29.01.2016 in WA(MD)No.1457/2015 and etc., batch.



For Petitioner : Mr.S.Arunachalam
For Respondents : Mr.D.Sivaraman,
Standing Counsel for R1
Mr.A.P.Muthupandian for R2

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ORDER

The petitioner herein was appointed as Junior Assistant in the 1st respondent Corporation on 16.05.1997 and he was promoted as Senior Grade Assistant and on reaching the age of superannuation, the petitioner retired from service on 31.07.2014. However, his terminal benefits were not settled. Therefore, the petitioner filed a writ petition in W.P.(MD)No.23635 of 2016 seeking a direction to pay his terminal benefits.

2. This Court, vide order dated 22.06.2016, directed the respondents to pay the amount due to the petitioners in 12 equal monthly instalments commencing from 10th August 2016 and if there are settlements or awards, the same shall be taken into account while arriving at the figure and the entire arrears shall carry interest at the rate of 6% p.a. and 18% p.a. in case of delay in making instalments. Since the said order has not been complied with, the present contempt petition has been filed.

3. Today, when the matter is taken up for consideration, the learned Standing Counsel appearing for the respondent Corporation submitted that in compliance with the order of this Court, the respondent Corporation has settled the entire amount. He also produced the details of payment of terminal benefits, wherein, it is found that the terminal benefits were settled on 30.01.2021 and interest was also paid for the period from 01.08.2014 till the settlement dated 30.01.2021.

4. The learned counsel appearing for the petitioner submitted that as per 12(3) settlement, the difference amount was not paid and interest for that amount was also not paid.

5. In this regard, the learned Standing Counsel appearing for the respondent Corporation submitted that the difference amount as per 12(3) settlement was paid.

6. On perusal of the details of payment of retirement benefits, it is seen that the difference amount as per 12(3) settlement was paid to the petitioner.



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7. In view of the above, the contempt petition is closed.

Sd/-

Assistant Registrar (CS-III)

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/ /2021

Sub Assistant Registrar (CS)

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To

1. Arumugam,
The General Manager,
Tamilnadu State Transport Corporation
(Kumbakonam) Ltd.,
Pudukottai Region,
Pudukottai.
2. Muniyappan,
The Administrator,
Tamil Nadu State Transport Employees
Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai - 2.

+1 CC to Mr.D.SIVARAMAN, Advocate (SR-2915[F] dated 02/02/2021)

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KM (26.02.2021) 3P 4C