



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2021

CORAM:

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

Cont.P.(MD)No.1691 of 2018

R.Dhinadhayan

... Petitioner / Petitioner

versus

1. Thiru.Periyakaruppan

The General Manager,

Tamilnadu State Transport Corporation

(Kumbakonam) Ltd.,

Karaikudi Region,

Karaikudi.

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 22.06.2016 in W.P.(MD)No.10869 of 2016.

Prayer in WP(MD). 10869/ 2016 :

Writ Petition 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.4,58,610/- towards Gratuity and Rs.2,33,109/- towards Leave Salary and Rs.5,000/- towards refundable deposits also arrears of wages for the period from 01.09.13 to 31.07.14 payable pursuant new wage settlement together with 18% interest per annum, further directing the respondents to pay him Rs.2,06,027/- towards the Pension Commutation amount and 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 this Court in its order dated 29/01/2016 in WA(MD)No.1457 of 2015.

For Petitioner

:

Mr.S.Arunachalam

For Respondents

:

Mr.D.Sivaraman,

Standing Counsel



ORDER

The petitioner herein was appointed as Driver in the 1st respondent Corporation on 15.04.1988 and he was promoted as Special Grade Driver 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.10869 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 30.01.2001 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.

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

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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To

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

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

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-2918[F] dated 02/02/2021)

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MA (CO)
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