

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Cont.P.No.326/2022

N.Rajendran @ Abdul Rahaman,
Deputy Superintendent of Police,
(Attained Superannuation but not allowed to retire)
No.90, Alpha Apartment, Kuppsamy Street,
Rathnavel Pandian Road, Mogappair East,
Chennai.

.. Petitioner

Vs.

S.K.Prabhakaran, I.A.S.,
Home Secretary to Govt. of Tamilnadu,
Home (Police-II) Department,
The Secretariat, Chennai– 09.

.. Respondent

Prayer:- Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondent herein for having disobeyed the order dated 29.06.2021 passed in W.P.No.2562/2021.

For Petitioner	:	Mr.K.Ravi Anantha Padmanaban
For Respondent	:	Mr.V.Jeevagiridharan
		Additional Government Pleader

ORDER

This Contempt Petition is filed alleging violation of the direction passed by this Court in W.P.No.2562/2021 dated 29.06.2021.

2.Learned counsel appearing for the respondent after taking time to get instructions regarding compliance, has produced before this Court the communication dated 14.04.2022 which he had received from the respondent.

3.In paragraphs 4 and 5 of the letter addressed to the Government Pleader it is stated as follows:

“The petitioner is seeking for monetary benefit of Earned leave. As per Tamil Nadu Leave Rules 28A, on retirement of service, a Government Servant is eligible for salary of 240 days of Earned leave. In this regard, it is submitted that, he is having 240 days of Earned leave at his leave account. But, he was placed under suspension from 27.03.2010 and not allowed to retire from service on 31.08.2016 AN. This benefit will be given to him only after disposal of the criminal case pending against him and after the disposal of PR 126/2015 u/r 17(b) (Tiruppur City). After the disposal of the above PR, his suspension period has to be in the above leave. Further it is submitted that, in the judgment order 1st cited, there is no instruction regarding payment of Earned leave. Hence it is not feasible to give monetary benefit of Earned leave to the petitioner.

2.As per G.O.Ms.No.488, Finance dated 12.08.1996, a Government Servant is eligible to draw 90 days of full salary. In this regard, it is submitted that, the petitioner is having 180 days of unearned leave on private affairs. As per G.O. he is eligible to draw 90 days of full salary. Hence, as per this office S.Bill No.06/22-23, 90 days of Full salary Rs.1,36,542/- was drawn and paid to him. The SG pay for the month of 12/2015 to 8/2016 and GPF contribution was also paid to him. As per the judgment 1st cited, all eligible benefits were drawn and paid to him. Hence, it is requested to close the contempt petition No.326/2022 in W.P.No.2562/2021.”

4.Learned counsel for the petitioner after seeing the contents of the communication dated 14.04.2022 has conceded that Contempt Petition can be closed.

5.Since, the petitioner's grievance is now addressed and he has received the amount in accordance with the direction of this Court, this Court is of the view that the Contempt Petition may be closed.

6.Accordingly, the Contempt Petition is closed. If the petitioner has any dispute with regard to quantum, it is open to him to pursue.

SD/-
ASSISTANT REGISTRAR(COMM.CASES)

cda

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)
from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.
BD/08/06/2022

To
The Home Secretary to Govt. of Tamilnadu,
Home (Police-II) Department,
The Secretariat, Chennai– 09.