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Contempt Petition No.1414 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2022

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

Contempt Petition No.1414 of 2021

S.Ashokan,
C-1, Railway Police Colony,
Arokkianathanpuram,
Mayiladuthurai 609 001

... Petitioner

-Vs-

Thiru.V.Gunasekaran,
General Manager (Admin).
State Express Transport Corporation Ltd.,
Pallavan Salai,
Chennai-2.

... Respondent

Prayer : Contempt Petition under Section 11 of the Contempt of Courts Act, 1971 to punish the respondent for wilful disobedience of the order passed by this Hon'ble Court dated 01.10.2018 in W.P.No.46986 of 2006.

For Petitioner	: Mr.V.Ajoy Khose
For Respondent	: Mr.K.Kathiresan, Standing Counsel

ORDER

This Contempt Petition has been filed for the alleged disobedience of orders of this Court dated 01.10.2018 made in W.P.No.46986 of 2006.

2. In the said writ petition, this Court has passed the following order:

“12. In the result, the Writ Petition stands disposed of with the following directions:

(i) The impugned order is quashed and the

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petitioner shall be reinstated on service. However, the petitioner shall not be entitled for any backwages for the entire absent period or non service period.

(ii) However, the service can be taken into account, only for the purpose of retirement and pensionary benefit on superannuation of the petitioner.

(iii) The aforesaid exercise shall be done by the respondent Corporation within a period of two months from the date of receipt of a copy of this order.

(iv) It is made clear that after reinstatement, current pay can be fixed for the petitioner by taking into account his entire service notionally. No Costs.

3. Though this Contempt Petition has been filed that the said orders have not been complied with, the learned counsel for the petitioner submits that pursuant to the said order though the petitioner had been reinstated by the service by the respondent, the pay fixation made in respect of the petitioner is not in consonance with the direction given by this Court.

4. In this context, it is noted that the petitioner shall be reinstated but he is not entitled for any backwages. His total service can be calculated only for retirement and pensionary benefits.

5. It has further been directed at Clause (iv) of Para 12 of the order of this Court that after reinstatement current pay can be fixed by the petitioner taking account the entire service notionally. In this context, if at all any pay is fixed as



the current pay by the respondent, in respect of which the petitioner has got any grievance, that can be resolved only by challenging the said order of fixing the pay, as the pay fixed by the respondent is a correct pay or not has to be gone into only in a separate proceedings and not by way of contempt proceedings.

6. Hence, this Court is not inclined to entertain this contempt petition. Accordingly, this petition is liable to be closed and it is accordingly closed. However, it is open to the petitioner to agitate the issue with regard to the fixation of pay in the manner known to law.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

anu/kst

//Certified to be true copy//

Dated at Madras this day of 2022.

COURT OFFICER(O.S.)

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BD/31/05/2022