



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **RMT.TEEKAA RAMAN**

CONT.P(MD)No.249 of 2022

in

W.P(M D)No.14372 of 2015

V.Shanmuganathan

.. Petitioner /Petitioner

Vs.

1.Mr.K.P.Karthikeyan,
The Commissioner,
Madurai Municipal Corporation,
Madurai District.

2.Mr.Palanivel,
The Assistant Director,
Local Fund Audit,
Madurai Municipal Corporation,
Madurai District.

.. Respondents /Respondents

PRAYER: Contempt Petition is filed under Section 11 of Contempt of Courts Act, 1971, to initiate contempt proceedings against the contemnors / respondents to punish them for the willful disobedience of the order of this Court, in W.P(MD)No.14372 of 2015, dated 18.01.2021.

Prayer in WP(MD) . 14372/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the Respondents to provide the retirement benefits including gratuity and provident fund with interest at the rate of 12% from the date of retirement i.e., 31.07.2013 to the petitioner within the time stipulated by this Honble Court.

For Petitioner : Mr.S.Rajasekar

For Respondent No.1 : Mr.B.Saravanan,
Standing Counsel

For Respondent No.2 : Mr.M.Sarangan,
Additional Government Pleader.

ORDER

Alleging that the order of this Court in W.P(MD)No.14372 of 2015, dated 18.01.2021, has not been complied with, the petitioner has come up before this Court with this contempt petition.



2. When the matter came up for hearing today, the learned standing counsel for the first respondent Corporation filed the typed-set of papers showing that by the proceedings dated 24.08.2021, the petitioner herein was informed that a recovery has to be made from the petitioner to the tune of Rs.12,82,904/- whereas the Corporation has to pay a sum of Rs.1,03,732/- to the petitioner and further the same was served upon the petitioner on 28.08.2021 and subsequently, by another communication, dated 27.12.2021, they have also sent a notice stating that as against the order, dated 18.01.2021, passed in W.P(MD)No.14372 of 2015, the petitioner has filed a writ appeal in W.A(MD)No.1881 of 2021, in which, an order of stay has been granted and therefore, further action will be taken as per the outcome of the said writ appeal. The said communication was served upon the petitioner on 07.01.2022. This contempt petition has been filed in the year 2022. For the reason best known to him, the petitioner has not disclosed these two vital communications.

3. Be that as it may, it appears that as against the order passed by this Court in W.P(MD)No.14372 of 2015, a writ appeal appears to have been filed, wherein Clause (i) of the operative portion of the order, was stayed. I find that Clauses (i) and (ii) are interconnected. In view of the determination of the amount, I find that the corporation has to pay a sum of Rs.1,03,732/- to the petitioner, while the recovery from the petitioner is Rs.12,82,904/-. Since an action has been taken and communications have been received, I do not find any contempt in this matter.

4. In view of the same, nothing survives in this contempt petition. Hence, this contempt petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

smn

To

1. The Commissioner,
Madurai Municipal Corporation,
Madurai District.



2.The Assistant Director,
Local Fund Audit,
Madurai Municipal Corporation,
Madurai District.

+1 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-17740[F] dated
11/04/2022)

+1 CC to M/s.B. SARAIVANAN, Advocate (SR-18075[F] dated 12/04/2022)

+1 CC to M/s.SPL.GP. (SR-18396,18397[F] dated 12/04/2022)

CONT.P (MD) No.249 of 2022

in

W.P (MD) No.14372 of 2015

08.04.2022

RK(28/04/2022) 3P 6C