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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.01.2022**

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CONT.P.(MD)No.518 of 2021
in
W.P(MD) No.4993 of 2020

M.Shahul Hameed ...Petitioner/Petitioner

.vs.

1.Mr.Chandrakant B Kamble, I.A.S.,
The Principal Secretary to
Government of Tamil Nadu,
Transport Department and
Chairman of Transport Corporation,
Fort St.George, Chennai -9.

2.Mr.C.V.Elangovan, B.E.,
Managing Director,
The Management of Tamil Nadu,
State Transport Corporation (Madurai) Limited,
Bye-Pass Road, Madurai – 10.

3.Mr.Rajeshwaran,
The General Manager,
Tamil Nadu State Transport Corporation,
(Madurai) Limited, Dindigul Region,
Dindigul.

4.Mr.Venkatraj,
The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust, Thiruvalluvar House,
Pallavan Salai,
Chennai – 2. ...Contemnors/Respondents

PRAYER: Contempt Petition filed under Section 10 of the Contempt of Courts Act, praying this Court to punish the contemnors/respondents and punish them for the wilful disobedience of the order of this Court in W.P(MD) No.4993 of 2020, dated 10.03.2020, under the Contempt of Courts Act.

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Prayer in WP(MD). 4993/ 2020 :
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Call for the records pertaining to the impugned order passed by the 3rd respondent vide his proceedings in Ref.DGL/R.O/CES/403, dated 31.8.2019 and quash the same as illegal and consequently direct the respondents to sanction pay arrears for his promotion Post of Checking Inspector with effect from 1.9.2010 and to sanction pension arrears with effect from 31.05.2013 and to pay difference amount of Retirement benefits based on the Revised Scale of Pay with interest as per the proceedings of the 2nd respondent in Ref.Ku.Sa /W.P.No.6973/2016, dated 25.07.2016 and for other reliefs.

For Petitioner : Mr.J.Lawrence

For R1 : Mr.S.Saji Bino
Special Government Pleader

For R2 to R4 : Mr.S.C.Herold Singh

O R D E R

This contempt petition is filed that order of this Court in W.P(MD) No.4993 of 2020, dated 10.03.2020 has not been complied with.

2.Today(11.01.2022), when the matter is taken up for hearing, the learned Special Government Pleader appearing for the respondents submits that the order of the Court in W.P(MD) No.4993 of 2020, dated 10.03.2020 has been complied with and the arrears of amount has also been settled to the petitioner.

3.However, the learned counsel for the petitioner disputed the same stating that he has not been placed in the relevant place, as per the earlier order of this Court in Review Application No.178 of 2019, dated 19.12.2019.

4.This Court paid its anxious consideration to the rival submissions made and also perused the materials placed on record.

5.For better appreciation, the relevant portion from the order passed by this Court in W.P(MD) No.4993 of 2020, dated 10.03.2020, which is the subject matter of this Contempt Petition is extracted as under:-

> "7....In my considered opinion, the impugned order has been passed without taking note of the order passed in W.P(MD) No.1776 of 2019 and the order passed in the review application (MD) No.178 of 2019 and therefore, the impugned order, dated 31.08.2019 is set aside and the

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matter is remitted back to the respondents to pass fresh order in the light of the order passed in W.P(MD) No.1776 of 2019, dated 30.01.2019 and the Review Application(MD) No.178 of 2019, dated 19.12.2019, within a period of twelve (12) weeks from the date of receipt of a copy of this order. No costs."

6. This Court is convinced with the reply of the learned Special Government Pleader that the arrear amount has been calculated as per the earlier orders of this Court and the same has been settled to the petitioner.

7.In view of the above, this contempt petition is closed with a liberty to the petitioner to file a separate writ petition, for the relief that has to be provided to him.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vrn

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The Principal Secretary to
Government of Tamil Nadu,
Transport Department and
Chairman of Transport Corporation,
Fort St.George, Chennai -9.

2.The Managing Director,
The Management of Tamil Nadu,
State Transport Corporation (Madurai) Limited,
Bye-Pass Road, Madurai – 10.

3.The General Manager,
Tamil Nadu State Transport Corporation,
(Madurai) Limited, Dindigul Region,
Dindigul.

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4.The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust, Thiruvalluvar House,
Pallavan Salai,
Chennai - 2.

+1 CC to M/s.S.C.HEROLDSINGH, Advocate (SR-1341[F] dated 12/01/2022)

+1 CC to M/s.SPL.GP (SR-1479[F] dated 12/01/2022)

+1 CC to M/s.J.LAWRANCE, Advocate (SR-1442[F] dated 12/01/2022)

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in
W.P(MD) No.4993 of 2020
11.01.2022

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