



WEB COPY

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2022

CORAM:

THE HONOURABLE MRS.JUSTICE S. SRIMATHY

CONT.P(MD).No. 1159 of 2019

G. Jeyalakshmi

:Petitioner/Petitioner

..VS..

1.Mr. Vilvasekar
Managing Director,
Tamil Nadu Co-operative Housing Federation Society Limited,
No.49, Riththarton Road,
Vepperi, Chennai - 600 007.

2.Mr. Vinayagar,
Deputy Registrar (Housing),
Housing Office, Virudhunagar Regional,
3 DD Road, Mani Nagaram,
Palpanni Road,
Virudhunagar District.

: Respondents

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act to punish the respondents for their wilful disobedience of the order passed by this Court made in WP(MD).No.4351 of 2017, dated 28.03.2019.

Prayer in WP(MD). 4351 of 2017 :

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 pay the balance amount of Rs.13,70,786.50 towards terminal benefits and arrears of salary of the deceased husband of the petitioner along with interest at the rate of 18% per annum to the petitioner till the date of payment within a stipulated period as to be fixed by this Hon'ble Court.

For Petitioner : Mr. M. Thirunavukkarasu

For Respondents : Mr. Veera Kathiravan
Additional Advocate General
Assisted by Mrs. D. Farjana Ghoushia
Special Government Pleader for R2
Mr.s.Kanmaniannamalai for R1



O R D E R

This Contempt Petition is filed alleging disobedience of the order of this Court passed in WP(MD).No.4351 of 2017, dated 28.03.2019.

2. This Court has directed the respondents to consider the claim of the petitioner if such dues are not paid so far and settle the same with 9% interest per annum within a period of eight weeks from the date of receipt of a copy of the order.

3. The petitioner is the wife of the deceased employee viz., S. Dharmaraj, who had served in the Co-operative Society as Clerk. As far as the petitioner is concerned, she is entitled to Rs.13,70,786.50/- towards arrears of salary and the petitioner has claimed 10% interest per annum.

4. When the case was taken up earlier, it was reported that the Society is under Liquidation and the Society has become defunct and the Society has taken efforts to recover the outstanding loan amount of Rs.4,38,484/- from 5 borrowers and the necessary steps were taken to settle the entire issue. In fact the second respondent has filed status report and as per the status report the gratuity, encashment of Earn Leave salary is paid and Security deposit is also paid. As far as the salary is concerned the petitioner is entitled to Rs.4,81,091/-.

5. When this Contempt Petition is taken up for hearing this Court has directed the Registry to issue statutory notice to the second respondent. Today, the Contemnor is present before this Court virtually.

6. The Additional Advocate General Mr. Veera Kathiravan, representing the contemnor had submitted that the respondent had paid Rs.6,78,715/- towards arrears of salary. Since the society has become defunct, the federation had supported the Society in payment of Rs.2,75,000/-.

7. Therefore this Court is of the considered opinion that the substantial amount of terminal benefits is paid to the petitioner and there is no contempt. The respondents have become defunct and the Federation had extended monetary support to pay the amount in order to comply the order of this Court, therefore this Court is discharging the respondents from further payments.



8. Recording the same, the Contempt Petition is closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

trp

To

1.Mr. Vilvasekar
Managing Director,
Tamil Nadu Co-operative Housing Federation Society Limited,
No.49, Riththarton Road,
Vepperi, Chennai - 600 007.

2.Mr. Vinayagar,
Deputy Registrar (Housing),
Housing Office, Virudhunagar Regional,
3 DD Road, Mani Nagaram,
Palpanni Road,
Virudhunagar District.

+1 CC to M/s.SPL GP (SR-213 & 219[F] dated 04/01/2022)

CONT.P(MD).No. 1159 of 2019
03.01.2022

srk(CO)
TR(01.02.2022) 3P 4C