



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Friday, the Fourth day of March Two Thousand and Twenty Two

PRESENT

The Hon`ble Mrs.Justice S. SRIMATHY

**SUB A(MD) No.31 of 2018
IN
CONT P(MD) No.1232 of 2016**

R.ELANGO

... PETITIONER/PETITIONER

Vs

C.V.ELANGO VAN,
THE MANAGING DIRECTOR, TAMIL NADU STATE
TRANSPORT CORPORATION (MADURAI) LTD., BYE
PASS ROAD, MADURAI

... CONTEMNOR/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to revive the Contempt Petition(MD) No.1232 of 2016 dated 28.08.2017.

Prayer in CONT P(MD). 1232/ 2016 :

To punish the Contemnor/Respondent for contempt of wilfully disobeying the order of this Honourable Court in W.P(MD)No.4809 of 2016 dated 09.03.2016

Prayer in WP(MD). 4809/ 2016 :

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 all the terminal benefits payable to the petitioner including Gratuity with enhanced dearness allowance and dearness allowance arrears on monthly pension together with interest at the rate of 18% per annum from the date of his retirement to till the date of payment within the time that may be stipulated by this Honble Court.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.A.RAHUL, Advocate for the petitioner and of Mr.J.SENTHIL KUMARAIAH, Advocate on behalf of the Respondent, the Court made the following order:-

This Sub Application has been filed alleging disobedience of the order dated 19.03.2016 in W.P.(MD).No.4809 of 2016.

<https://hcservices.ecourts.gov.in/hcservices/>



2. This Court had directed the respondents to pay the installments from 10.04.2016, but the respondents paid on 13.06.2016. Since there was a delay on payment there was a condition in the order where it is stated if there is delay, the same will carry interest at the rate of 18% per annum.

3. The contention of the petitioner is that since the respondents deliberately denied the payment, they have to pay 18%. Since it is only months delay, this Court is of the considered opinion that the order passed in the Writ Petition ought to be modified and it is modified as under:

The petitioner is entitled to 6% interest since it has been settled already.

Two months delay is condoned and the petitioner is not entitled to 18% interest.

4. Accordingly, the Sub Application is closed.

sd/-

04/03/2022

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/ /2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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

C.V.ELANGO VAN,
THE MANAGING DIRECTOR, TAMIL NADU STATE
TRANSPORT CORPORATION (MADURAI) LTD., BYE
PASS ROAD, MADURAI

ORDER

IN

SUB A(MD) No.31 of 2018

IN

CONT P(MD) No.1232 of 2016

Date :04/03/2022

SS/VR/SAR:II/10.03.2022 : 2P/2C