



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Cont.P.(MD)No.1349 of 2020

in

W.P.(MD)No.8886 of 2020

WEB COPY

C.Rajendran

... Petitioner/Petitioner

Vs.

1.V.Thangaraj

The President,
N-N256, Karisalpatti Primary Agricultural
Co-operative Credit Society,
Karisalpatti Post, Singampuneri TK,
Sivagangai District - 630 309.

2.V.Vairavan,

The Secretary,
N-N256, Karisalpatti Primary Agricultural
Co-operative Credit Society,
Karisalpatti Post, Singampuneri TK,
Sivagangai District - 630 309.

...Contemnors/Respondents

PRAYER: Contempt petition is filed under Section 11 of the Contempt of Courts Act, to initiate contempt proceedings against the contemnors / third and fourth respondents for their willful disobedience of the order passed by this Court in W.P(MD) No.8886 of 2020, dated 06.08.2020 and punish them under the Contempt of Court Act, 1971.

Prayer in WP(MD) . 8886/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st and 2nd respondents by considering his representation dated 04.03.2020 to direct 3rd and 4th respondents to release his Terminal Benefits with appropriate interest which is stated to have been deposited in his saving Account No.300 in 3rd and 4th respondents Society.

For Petitioner : Mr.B.Ravindran,

For Respondents : Mr.P.Thilak Kumar

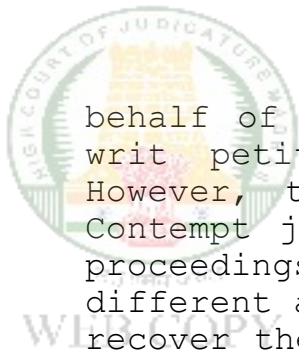
Government Pleader, Assisted by
Mr.M.Ramesh, Government Advocate

O R D E R

The learned counsel for the petitioner admitted that a part amount of Rs.1,00,000/-, out of Rs.6,83,513/- has been settled.

2.The learned Additional Government Pleader appearing on

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



behalf of the respondents states that the calculation made by the writ petitioner regarding the total eligibility is incorrect. However, the fact remains that a part amount has been settled. Contempt jurisdiction cannot be invoked akin to that of execution proceedings. The scope of execution proceedings are entirely different and the contempt proceedings cannot be pursued in order to recover the terminal benefits in a phased manner. The order passed by this Court in W.P.(MD)No.8886 of 2020 reveals that the respondents 3 and 4 are directed to consider the representation of the petitioner, dated 04.03.2020 and decide the same on merits and in accordance with law. If the petitioner is entitled to get the retiral benefits, the same can be decided and calculated and be paid within a reasonable time not more than three months from the date of receipt of a copy that order.

3.The amount of total terminal benefits have not been calculated in the writ petition nor a direction was issued. Contrarily, the respondents are directed to consider the representation of the petitioner with reference to the retiral benefits. If there is any dispute in respect of the total terminal benefits to be settled in favour of the petitioner, who was working as salesman in Karisalpatti Primary Agricultural Cooperative Society, he has to approach the revisional authority under Section 153 of the Tamil Nadu Co-operative Societies Act. The High Court cannot adjudicate such disputed issues in a contempt proceedings.

4.As far as the compliance part is concerned, a sum of Rs.1,00,000/- has been settled. Under these circumstances, the petitioner is at liberty to approach the competent revisional authority, under Section 153 of the Act, for the redressal of his grievance.

5.With this liberty, the contempt petition stands closed.

Sd/-

Assistant Registrar (AD-I)

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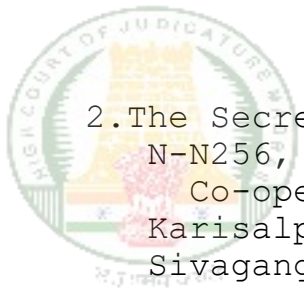
/ /2022

Sub Assistant Registrar(CS)

vrn/ias

To:

1.The President,
N-N256, Karisalpatti Primary Agricultural
Co-operative Credit Society,
Karisalpatti Post, Singampuneri TK,
Sivagangai District - 630 309.



2.The Secretary,
N-N256, Karisalpatti Primary Agricultural
Co-operative Credit Society,
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+1 CC to M/s.SPL GP (SR-7494[F] dated 26/02/2021)

Cont.P.(MD)No.1349 of 2020
in
W.P.(MD)No.8886 of 2020
17.02.2022

NSN(CO)
KB(10.03.2022) 3P 4C