



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 09.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CONT.P.(MD)No.1549 of 2022
in W.P(MD).No.398 of 2022

V.Dhanapal

: Petitioner/Petitioner

Vs.

1.S.S.Rajmohan

Managing Director,
Tamil Nadu State Transport Corporation (KMB) Ltd.,
27, New Railway Station Road,
Kumbakonam 612 001.

2.Jebaraj Navamani,

General Manager,
Tamil Nadu State Transport Corporation (KMB) Ltd.,
Kumbakonam Region,
27, New Railway Station Road,
Kumbakonam-612 001.

3.K.Bama

Administrator,
Tamil Nadu State Transport Corporation
Employees Pensions Fund Trust,
Thiruvalluvar Illam, Pallavan Salai, Chennai 2.

:Contemnors/Respondents

PRAYER: Contempt Petition is filed under Section 11 of the contempt of Courts Act, to punish the contemnors/respondents herein for their deliberate and wilful disobedience of the order passed by this Court in W.P(MD).No. 398 of 2022 dated 11.01.2022.



For Petitioner : Mr.J.Sulaiman Basha
For Respondents : Mr.S.C.Herold Singh (for R3)
Mr.K.Jagadeesh Balan (for R1&R2)

ORDER

This Contempt Petition is filed for non-compliance of the Order in W.P(MD).No.398 of 2022 dated 11.01.2022.

2. The petitioner is the Transport Corporation Employee and he filed W.P(MD).No.398 of 2022 seeking for issuance of writ of mandamus directing the respondents to disburse interest at the rate of 6% for the belated payment of retirement benefits, such as gratuity, provident fund and leave salary and commutation, wherein, this Court, by following the dictum laid down by the Hon'ble Division Bench of this Court in W.A(MD).No.403 of 2010, passed the order dated 11.01.2022, directing the respondents/transport corporation to pay interest for the belated payment of retirement benefits at the rate of 6% per annum from the date of retirement till the date of actual disbursement.

3.Mr.K.Jagadeesh Balan, learned counsel appearing for the respondents 1 and 2 produced a written communication, which he has received from the Tamil Nadu State Transport Corporation, Kumbakonam,



dated 09.12.2022 and submits that the interest for the belated payment of provident fund, gratuity, leave salary have been calculated as Rs.1,41,766/-, out of which, a sum of Rs.58,662/- was paid to the petitioner and for the balance amount of Rs.83,104/-, two cheques have been issued to the petitioner as Cheque Nos.476335 dated 09.12.2022 and 894567 dated 09.12.2022.

4.The learned counsel for the third respondent also submits that the commutation amount of Rs.788548/- was paid to the petitioner on 02.06.2021 and the interest for the commutation amount of Rs.3062/- was also paid on 27.06.2022. They also furnished the details to the petitioner. Even thereafter the learned counsel for the petitioner raised some objection that the entire amount has not been paid as per the order of this Court.

5.Considering the submission made by the learned counsel for the petitioner, this Court has also directed the respondents to file an affidavit as to the manner in which the amount has been arrived at and settled and thereafter, when this Court has raised query to the petitioner that what is his calculation with regard to the amount, the learned counsel for the petitioner turned back his statement and submits that the amount has been settled.



6. This Court is not satisfied with the manner in which the representation has been made by the learned counsel for the petitioner.

Therefore, this Court is inclined to dismiss this contempt petition.

Accordingly, the Contempt Petition is dismissed.

09.12.2022

Index : Yes/No

Internet : Yes/No

Rmk

To

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B.PUGALENDHI,J.,

Rmk

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