



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Cont.P. (MD)No.1696 of 2021

K.Nallamuthu

...Petitioner/Petitioner

versus

Thiru.Shivalingam,
The General Manager,
Tamilnadu State Transport
Corporation (Madurai) Ltd.,
Dindigul Region,
Dindigul.

...Contemnor /Respondent

Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondent for willfully disobeying and not complying with the order of this Court dated 04.03.2021 in W.P.(MD)No.4355 of 2021.

Prayer in WP(MD). 4355/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court S-12. To issue appropriate Writs, Orders or Directions and in particular issue a Writ of Mandamus directing the respondent to pay interest at the rate of 18 per cent per annum, for the period of delay from 01.05.19 to 24.01.21, n paying the amounts paid towards petitioner terminal benefits namely EPF Employees Contribution, Gratuity and Encashment of Earned / Sick Leaves within a time frame as may be fixed by this Honble court and without affecting petitioner right to claim balance amounts towards those benefits and thus render justice.

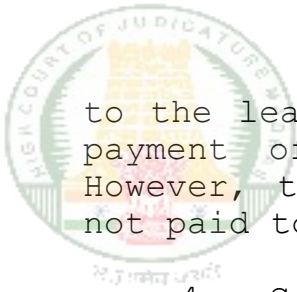
For Petitioner : Mr.S.Arunachalam
For Respondent : Mr.S.C.Herold Singh

ORDER

Today, when the matter is taken up for consideration, the learned counsel appearing for respondent submits that the order of this Court dated 04.03.2021 passed in W.P.(MD)No.4355 of 2021 has been complied with, by paying interest at the rate of 6% to the petitioner on the belated payment of the retirement benefits.

2. However, the learned counsel for the petitioner objected the same that for the commutation amount, the respondent has not paid any interest as ordered by the Court.

3. This Court, vide order dated 04.03.2021, directed the respondent to pay interest to the petitioner at the rate of 6% p.a. on the belated payment of retirement benefits, commencing from the date of retirement till the date of actual disbursement. According



to the learned counsel for the respondent, interest on the belated payment of retirement benefits was settled to the petitioner. However, the grievance of the petitioner is that the interest was not paid to the commutation amount.

4. Commutation of Pension means payment of lump sum amount in lieu of a portion of pension surrendered voluntarily by the petitioner based on duration of period in relation to the age. This is purely an optional facility provided by the Government to the pensioner. The duration is fixed with reference to age. If any employee commutes a portion of pension, such portion of the pension shall be deducted from his monthly pension for a period of 15 years from the date of such commutation. The commuted portion will be restored after 15 years by the pension disbursing officer.

5. The commutation amount is for future pension. The petitioner can either waive or get the benefit through his pension. Therefore, the non-payment of interest for the commutation amount cannot be treated as violation of order of this Court. Accordingly, the Contempt Petition is closed. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

Thiru.Shivalingam,
The General Manager,
Tamilnadu State Transport
Corporation (Madurai) Ltd.,
Dindigul Region,
Dindigul.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-3019[F] dated
31/01/2022)

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28.01.2022

SP (CO)

KB (06.04.2022) 2P 3C