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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2023

CORAM:

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN**

**Cont.P.No. 201 of 2023**

I.K.Manikandan

... Petitioner/Petitioner

**Vs**

Dr.Dhanabal Palanisamy

...Respondent/ 3<sup>rd</sup> Respondent

**PRAYER:** Contempt Petition filed under Section 11 of the Contempt of Court Act, 1971, to initiate contempt proceedings as against the respondent for having disobeyed the order passed by the Hon'ble High Court in W.P.No. 32817 of 2012 dated 08.03.2019 and punish the respondents.

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For Petitioner : Mr. D.Rajagopal

For Respondent : Mr.M.T.Arunan

**ORDER**

This Contempt Petition has been pending before this Court and had come up for consideration on several occasion. As a matter of fact on two occasions, the respondent had been directed to be physically present in



2. This Contempt Petition had been filed consequent to an order of this Court in W.P.No. 32817 of 2012 dated 08.03.2019 wherein the relief sought by the writ petitioner was granted and the Writ Petition was allowed. It had been finally ordered to offer him alternate appointment. It had been stated that the appeal against this particular order had suffered an order of dismissal before the Division Bench and also before the Hon'ble Supreme Court. The order had attained finality. Thereafter, the respondent had also paid all the terminal benefits to the petitioner taking into consideration his retirement age as 58 years and had paid the entire amount as if he had been in service till the age of 58 years. That fact is not disputed.

3. The only aspect which was further raised was that the retirement age of a Library Technician / Deputy Director of Physical Education as stated by the University Grants Commission in their communication in March 2007 was 62 years and therefore, the Contempt Petition was further prosecuted on the ground that the petitioner was paid benefits calculating that he would retire at the age of 58 years and that further emoluments between the years 58 to 62 years should be paid.



4. To clarify this particular aspect, the respondents have filed their counter and have produced a series of particulars from which it is evident that a Librarian and every other non teaching staff of the respondent college had retired on superannuation at the age of 58 years.

5. There are instances when they had so retired in the years 2020, 2021 and 2022 and therefore it has to be taken as a fact that the respondents have a policy that all the non teaching staff including those in the Library Section would retire only at the age of 58 years.

6. In view of the fact that all the emoluments have been paid by taking into consideration, the petitioner would retire on attaining the age of 58 years, no further orders are required. Hence, this Contempt Petition is closed.

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vsg

Index: Yes/No

Speaking order / Non speaking order



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**C.V.KARTHIKEYAN, J.**

Vsg

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