



Cont.P.No.352 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

Contempt Petition No.352 of 2022

C.Thavamani

...Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Salamedu, Villupuram Town and Taluk,
Villupuram District.

2.The Branch Manager,
Tamil Nadu State Transport Corporation Ltd.,
Branch Office, Thiruvannamalai Road,
Gingee Town & Taluk – 604 202,
Villupuram District.

3.The Secretary,
Transport Department,
Government of Tamil Nadu,
Fort St.George, Chennai – 600 009.

4.The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Salamedu, Villupuram Town and Taluk,
Villupuram District.

...Respondents



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Prayer:- Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondents for willful disobedience of the order made in W.A.No.3933/2019 dated 18.11.2019.

For Petitioner : Mr.K.P.Chandirasekaran

For Respondents : Mr.M.Aswin for R1, R2 & R4

ORDER

The order passed in the W.A.No.3933 of 2019 dated 18.11.2019 reads as follows:-

“The challenge raised is to the judgment of the learned Single Judge, who has declined to exercise discretion under Article 226 of the Constitution of India against the order of termination passed in the year 2009 on the ground that the writ petition itself was presented after ten years before the High Court. The learned Single Judge, essentially, declined to entertain the writ petition on the ground of laches.

2.We see no valid reason having been given before us for condonation of the said delay or overlooking laches infiling of the writ petition. There is, therefore, no justification to disagree with the conclusion arrived at by the learned Single Judge on this issue.



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3.Learned counsel for the appellant, however, submits that at least that emoluments, which otherwise would be payable on account of the termination of the service of the employee, may be directed to be made available to the appellant.

4.We, therefore, consign this appeal with liberty to the appellant to approach the Tamil Nadu State Transport Corporation through its competent authority for receiving any such amount that may be due or admissible, but we decline to interfere with the impugned judgment of the learned Single Judge, No costs.”

2.It is the grievance of the learned counsel that though representations have been made, thereafter, authorities have not passed orders.

3.The learned counsel for the respondents would submit that they have sent a communication to the petitioner stating that a sum of Rs.51,079/-, which stands in the credit of GPF of the petitioner is available and he can receive it. Despite such communication, the petitioner has filed this contempt. We see no cause of contempt, since there is no positive direction by this Court.



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4.This Contempt Petition is therefore, dismissed.

(R.S.M. J.,) (K.G.T. J.,)
22.02.2023

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Index:Yes/No

Internet:Yes/No

Speaking/Non-speaking order

Nuetral Citation : Yes/No



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R.SUBRAMANIAN, J.
and
K.GOVINDARAJAN THILAKAVADI, J.

KKN

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