



Contempt Petition No.554 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2023

Coram

**THE HONOURABLE MR. JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR**

Contempt Petition No.554 of 2019

The Workmen,
represented by the Secretary,
Industrial Estate General Workers Union,
No.11, Lawyer Jagannathan Street,
Guindy, Chennai - 600 032.

... Petitioner

Vs.

S.Natarajan IAS,
The Management,
Tamil Nadu Khadi and Village Industries Board,
Guindy Unit, No.11, Industrial Estate,
Guindy, Chennai - 32.
Now at Veeraraghavapuram,
Near Kaduvetti, Chennai,
Thiruvallur District.

Address Change of

Now at Tamil Nadu Khadi & Village Industries Board,
Kuralagam, Chennai - 600 108.

... Respondent

Contempt Petition filed under Section 11 of the Contempt of Courts Act praying to initiate contempt proceedings against the respondent for committing wilful disobedience of the order of this Court passed in W.A.No.758 of 2016, dated 24.07.2018 and punish them.



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For Petitioner : Ms.R.Vaigai, Senior Counsel
for Ms.Anna Mathew & Ms.S.Meenakshi
For Respondent : Mr.P.Kumaresan,
Additional Advocate General
assisted by Mr.S.K.Bose

ORDER

[Made by **R.SUBRAMANIAN, J**]

The respondent viz., Tamil Nadu Khadi and Village Industries Board had filed proceedings of the Chief Executive Officer dated 11.10.2023 in and by which they have regularized the services of its employees as per the order of the Division Bench made in W.A.No.758 of 2016, dated 24.07.2018.

2. Ms.R.Vaigai, learned Senior Counsel appearing for petitioner, after verifying the orders passed, agreed that the orders are in consonance with the relevant pay scale that is to be applied for the carpenters, who have been working in the Tamil Nadu Khadi and Village Industries Board. With the passing of this order, the substantial controversy regarding the fixation of pay of these carpenters comes to an end.

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3. However, Ms.R.Vaigai, learned Senior Counsel would point out that some of them have either died or retired and they would be entitled to provident fund, gratuity, pension/family pension and other retiral benefits. Learned Senior Counsel would also submit that as per the Tamil Nadu Pension Rules, interest at 9% p.a. is payable on belated payment of gratuity.

4. The Hon'ble Supreme Court in ***D.D.Tewari (dead) through Legal Representatives v. Uttar Haryana Bijli Vitran Nigam Limited and others [(2014) 8 SCC 894]***, has issued direction for payment of interest at 9% p.a. on belated payment of any of the retiral benefits which would include gratuity, provident fund, pension, family pension etc.

5. Now that the major exercise of fixing the scales of pay and the salary payable to all the employees have been determined whatever arrears including interest on back wages that is payable to serving employees by virtue of this fixation shall be paid within a period of four (4) weeks from the date of receipt of a copy of this order.



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6. As far as the retired/deceased employees are concerned, the respondent Board shall furnish proper forms required for finalizing the pension proposals within two (2) weeks from the date of receipt of a copy of this order and the employee shall furnish the forms within two (2) weeks thereafter. Upon receipt of the proposals, the respondent Board shall finalize the pension payable within a period of two (2) weeks there from. Needless to point out that the pension payable will carry interest for the delayed payment at 9% p.a. as directed by the Hon'ble Supreme Court.

Accordingly, this Contempt Petition stands closed.

[R.S.M., J] [N.S., J]
28.11.2023

Index: Yes/No
Speaking Order/Non-speaking Order
Neutral Citation : Yes/No
gm



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and
N.SENTHILKUMAR, J

gm

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