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Contempt Petition No.1062 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.04.2023

CORAM

THE HONOURABLE Mr.JUSTICE M.S.RAMESH

Contempt Petition No.1062 of 2022

R.Thamizhvanan

... Petitioner

Vs

1.P.Ravikumar

Joint Registrar of Co-operative Societies

Salem Region

Salem District

2.P.Yokavishnu

Deputy Registrar of Co-operative Societies

Salem Circle

Salem District

3.Dr.K.V.S.Kumar

Managing Director

Tamil Nadu Co-operative Marketing Federation Limited (TANFED)

91, St. Mary's Road

Chennai 600 018

4.K.Paramasivam

Regional Manager

Tamil Nadu Co-operative Marketing Federation Limited (TANFED)

Salem 636 007

... Respondents

Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondents for willful disobedience of the order passed by this Court in W.P.No.30263 of 2016 dated 05.01.2022.



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For Petitioner : Mr.R.Jayaprakash  
For Respondents : Mr.R.Neelakandan  
Additional Advocate General  
Assisted by  
Mr.P.Balathandayutham  
Special Government Pleader

### **ORDER**

This petition has been filed alleging that the order of this Court dated 05.01.2022 made in W.P.No.30263 of 2016 has not been complied with.

2. Learned Additional Advocate General submitted that the entire retirement benefits including the gratuity has been settled to the petitioner. Learned counsel for the petitioner also acknowledges such receipt. However, he would submit that the belated payment of gratuity amount would include interest also and therefore, seeks for payment of interest.

3. Strictly speaking, the non-payment of interest may not amount to willful disobedience, since there was no direction to the respondents to pay interest on the belated payment. However, since the Payment of Gratuity Act, 1972, itself provides for payment of such interest on the gratuity, liberty is thereby granted to



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the petitioner to seek for such interest from the respondents. In view of the payment of the retirement benefits, the disobedience alleged cannot be termed as lawful in nature.

With the above liberty, this Contempt Petition stands closed.

21.04.2023

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