



Sub.A.No.179 of 2021
in
Cont.P.No.337 of 2020

S. VAIDYANATHAN, J.
and
KRISHNAN RAMASAMY, J.

This Sub Application has been filed to reopen the Contempt Petition No.337 of 2020, which was closed vide order dated 11.03.2020.

2. The basis for closure of the contempt petition by this Court was on account of the submission of the learned counsel for the Corporation that all retiral benefits due to the petitioner were settled and that a communication dated 10.03.2020 in this regard was also sent to him.

3. Learned counsel for the petitioner has submitted that though the petitioner is entitled to 100% backwages, he was paid only 50% of the backwages, thereby depriving the balance 50%. He further submitted that the Respondent Corporation had granted the benefits notionally, including revised pension.

4. Mr.R.Neelakandan, learned Additional Advocate General-VIII appearing for the Respondents 1 and 2 drew the attention of this Court Paragraph 13 of the order dated 22.01.2019 passed by the Division Bench in W.P.No.3406 of 2017 to substantiate his argument that there was no specific direction issued for payment of 50% of the backwages and that the order passed in the writ petition has attained



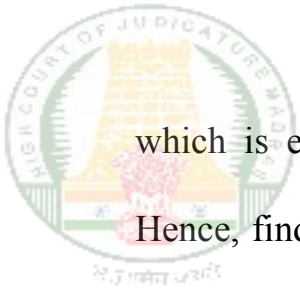
finality. For the sake of convenience, Paragraph 13 of the order dated 22.01.2019 is extracted hereunder:

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"13. In such view of the matter, the writ petition stands allowed. Consequently, the respondents are directed to pay retiral benefits including pension to the petitioner by treating the petitioner as in service and in tune with the similarly placed employees. The services rendered by the petitioner for 27 years 15 days will have to be reckoned for the aforesaid purpose. The amount, if any, due from the petitioner and if paid, based upon the decision taken already can very well be adjusted by the respondents. Appropriate orders will have to be passed within a period of eight weeks from the date of receipt of a copy of this order. We hope and trust that respondents would comply with the aforesaid order instead of driving the petitioner to file one more contempt petition. No costs. Consequently, connected miscellaneous petition is closed. "

5. In response, learned counsel for the Petitioner submitted that the Respondent Corporation finds one reason or the other to avoid remittance of the remaining 50% of the backwages, ignoring the fact that the petitioner has rendered 25 years of service. Moreover, no communication dated 10.03.2020 has been received by the petitioner till now.

6. The issue relating to entitlement of the remaining 50% of backwages cannot be decided by this Court in a contempt jurisdiction. The ground urged in respect of non serving of communication dated 10.03.2020 has no relevance, as all transactions with regard to payments due to him were done through Bank,



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which is evident from Paragraph No.5 of the affidavit filed by the petitioner.

Hence, finding no ground made out to reopen the contempt, this Sub Application

stands closed with liberty to the petitioner to file a Review Petition, if so advised.

(S.V.N., J.) (K.R., J.)
17.10.2023

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