



WEB COPY



Cont.P.No.2503 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

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Pokkuvarathu Kazhaka Oyvu Petra
Aluvalar Nala Sangam, Kovai,
(Regd.No.269/2011)
Rep. by its Secretary,
K.S.Shanmuga Velayutham
B-25, Cheran Colony, Thudiyalur Post,
Coimbatore - 641 034. ...Petitioner

Vs.

1. K.Gopal, IAS,
The Chairman of State Transport Undertakings and
Addl. Chief Secretary to Government,
The State of Tamil Nadu, Transport Department,
Chennai - 600 009.
2. B.Thiruvambalam Pillai,
The Managing Director,
M/s. Tamil Nadu State Transport Corporation
(Coimbatore) Ltd.,
No.37 Mettupalayam Road,
Coimbatore - 641 043.
3. K.Bama,
The Administrator,
M/s. Tamil Nadu State Transport Corporation
Employees' Pension Fund Trust,
No.2, Pallavan Salai,



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Chennai - 600 002.

...Respondents

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Prayer: Petition filed under Section 11 of Contempt of Courts Act, 1971, to punish the respondents for their willful disobedience in not complying with the order dated 28.10.2021 passed by this Hon'ble Court in W.P.No.23210 of 2021.

For Petitioner : Mr.D.Soundar Raj

For Respondents : Mr.P.Sanjay Gandhi,
Government Advocate, for R1
: Mr.A.Sundaravadhanam,
Standing Counsel, for R2
: Mr.C.S.K.Setish,
Standing Counsel, for R3

ORDER

The petitioner has filed this contempt petition, to punish the respondents for disobeying the order of this Court dated 28.10.2021 made in W.P.No.23210 of 2021.

2. This Court, vide order dated 28.10.2021 made in W.P.No.23210 of 2021, issued direction to the respondents to consider the petitioner's representation and to consequently pay the interest. For better appreciation, the relevant portion of the said order is extracted hereunder:

3. It is noticed that though the above



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observation of the First Bench of the Madurai Bench of this Court was followed by a learned Single Judge in W.P.No.15886 of 2020 vide order dated 19.01.2021, the learned Single Judge has subsequently modified the views in W.P.No.506 of 2021 vide order dated 24.03.2021 considering the constraints of the State Finance due to the outbreak of Covid-19 with the following directions:-

“(i) Respondent / Transport Corporation is directed to pay interest @ 4% per annum to the Petitioner for the belated payment of gratuity, leave salary and communication of pension amount that are yet to be settled, in six equal monthly instalments, commencing 01.04.2021.

(ii) In case of delay in making instalments within the time stipulated supra, with reference to the judgment of the Division Bench of this Court (supra), interest payable for the period of delay shall be at 6% per annum.”

4. Considering the same, this Writ Petition is disposed by directing the respondents to consider the representation dated 27.09.2021 of the petitioner Association and to pay interest at the rate of 4% per annum for the belated settlement of terminal benefits to the 13 members out of total 193 members of the petitioner Association and other legal dues in six



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equated monthly instalments commencing from 1st December, 2021. No costs.

3. However, the learned counsel of the petitioner submitted that, despite the order of this Court, as against the sum of Rs.5,00,000/-, only a sum of Rs.2,00,000/- has been paid and the balance amount of Rs.3,00,000/- is yet to be paid.

4. On the other hand, the learned counsel for the respondents submitted that, the entire due amount has been settled to the members of the petitioner association.

5. Considering the fact that, there are several disputes as to the correct amount to be paid and the amount already paid to the members of the petitioner association, this Contempt petition stands closed with a liberty to the petitioner association to workout the remedy in the manner known to law.

01.02.2023

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Index : Yes / No
Speaking Order : Yes / No

C.SARAVANAN, J.

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