



Cont.P.(MD).No.84 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.04.2023

CORAM

THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

Cont.P.(MD).No.84 of 2023

In

W.P.(MD).No.4038 of 2009

and

Sub.Aplc(MD).No.103 of 2023

S.Sree Thangaraj

... Petitioner/11th Petitioner
Vs.

Mr.M.Arvind,
District Collector,
Kanyakumari District,
Nagercoil.

... Contemnor/1st Respondent

PRAYER: Petition filed under under Section 11 of the Contempt of Court Act, 1971, to punish the contemnor for wilfully disobeying and not complying with the order of this Court, dated 23.03.2015, in W.P.(MD).No.4038 of 2009.

For Petitioner : Mr.C.Godwin

For Respondent : Mr.R.Suresh Kumar,
Additional Government Pleader.



Cont.P.(MD).No.84 of 2023

WEB COPY

ORDER

Alleging wilful disobedience of the order passed by this Court in W.P.(MD).No.4038 of 2009 dated 23.03.2015, the Contempt Petition has been filed.

2. The petitioner is one of the erstwhile employees of Kanyakumari District Consumer Cooperative Wholesales Stores Limited. The said store was not financially viable. Subsequently, it was closed, since there was financial loss. The stores were referred for winding up and Official Liquidator was appointed and now the Official Liquidator dealing with the store as per the rules and regulations.

3. The contention of the petitioners are they are entitled to gratuity from the said employer, since that was not paid, they preferred Writ Petition before this Court. This Court vide order dated 23.03.2015 in W.P.(MD).No.4038 of 2009 directed the District Collector to invoke Revenue Recovery Act and disburse the amount. Since the same was not disbursed, this Contempt Petition is filed.



Cont.P.(MD).No.84 of 2023

WEB COPY

4. The District Collector has filed a status report, wherein it is stated that the said stores is having two deposit amount in the savings Bank account and the total amount that is available is Rs.1,15,006/- (Rupees One Lakh Fifteen Thousand and Six only). There are 19 petitioners and if the amount is divided into pari passu method, the 11th petitioner S.Sree Thangaraj is entitled to Rs. 5727/- (Rupees Five Thousand Seven Hundred and Twenty Seven only) approximately and the first respondent is readily willing to settle this amount to the 11th petitioner. However, the learned counsel appearing for the petitioners submitted he needs instructions from his client. Since it is Contempt Petition, the Court is of the considered opinion that the petitioners cannot adjudicate on the issue.

5. Therefore, this Court is of the considered opinion that there is no contempt as alleged. The District Collector is directed to deposit Rs,1,15,006/- (Rupees One Lakh Fifteen Thousand and Six only) in any nationalized Bank, so that the amount earns interest. As and when the petitioners in the Writ Petition are submitting separate applications, the respondents shall disburse the amount in pari passu method to the said 19 petitioners.



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Cont.P.(MD).No.84 of 2023

6. Hence, this Contempt Petition is closed with the above directions.

Consequently, connected Sub Application is closed.

13.04.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes

Nsr

To

The District Collector,
Kanyakumari District,
Nagercoil.



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Cont.P.(MD).No.84 of 2023

S.SRIMATHY, J

Nsr

Order made in
Cont.P.(MD).No.84 of 2023

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