



Cont.P.(MD)No.120 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cont.P.(MD)No.120 of 2021

in

W.P.(MD)No.27313 of 2019

M.Iqbal

... Petitioner / Petitioner

Vs.

1.Thiru.C.K. Ragavan,
The Administrator,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Karaikudi Region,
Karaikudi.

2.Tmt. Bama,
The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai,
Chennai -2.

... Contemnors / Respondents

PRAYER: Petition filed under Section 11 of the Contempt of Courts Act to commit and punish the contemnor / respondent for wilfully disobeying and



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complying with the order of this Court, dated 10.02.2020 in W.P(MD).No. 27313 of 2019.

For Petitioner : Mr.S. Arunachalam

For Respondent No.1: Mr.D. Sivaraman
Standing counsel

ORDER

For non-compliance of the order of this Court, dated 10.02.2020 made in W.P(MD).No.27313 of 2019, the Contempt Petition is filed.

2. The case of the petitioner is that the petitioner was terminated from service and the same was challenged by him before the Labour Court, Madurai in I.D.No.126 of 1995. The Labour Court by its order, dated 18.09.2008 passed an award and issued a direction to the respondent to reinstate the petitioner with continuity of service without back wages. Pursuant to the said order, the petitioner filed W.P(MD).Nos.1361 of 2009 and the respondent / management filed WP(MD).No. 12105 of 2009 before this Court and both the petitions are dismissed by this Court in the common



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order dated, 26.04.2013. Challenging the order passed in WP(MD).No. 12105 of 2009, the respondent, Management has filed W.A(MD).No. 225 of 2015 before the Division Bench of this Court and the same was dismissed by this Court on 07.09.2016. Since the order was not complied with the petitioner has filed W.P(MD).No.27313 of 2019 for issuing a Writ of Mandamus directing the first respondent to pay the petitioner's wages and all other service benefits for the period from 18.09.2008 to 30.04.2018 as per the award, dated 18.09.2008 in I.D.No.126 of 1995 as upheld in order dated 07.09.2018 in W.A(MD).No.225 of 2015 and the same was allowed on 10.02.2020 and accordingly, to settle and pay all the petitioner terminal benefits for the petitioner entire service period from 01.10.1980 to 30.04.2018 by and further directing the respondents to treat the petitioner entire service period from 01.10.1980 to 30.04.2018 excluding the period from 21.04.1993 to 17.09.2008 as the petitioner pensionable service and to pay the petitioner pension every month and the same was allowed by this Court vide order, dated 10.02.2020. But, the respondent has not complied with the order passed in paragraph Nos.6 and 7 in W.P(MD).No.27313 of 2019, he has filed the present Contempt petition.



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3. The learned Standing Counsel appearing for the first respondent, management submitted that as per the direction issued by this Court, the respondent / contemner had settled the eligible amount to the petitioner and he has also enclosed a copy of the payment of calculation.

4. Since there is no wilful disobedience, the contempt petition is closed. The petitioner shall work out his remedy if any in the manner known to law.

16.02.2023

Index : Yes / No
Speaking Order : Yes / No
trp



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M.DHANDAPANI, J.

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in
W.P.(MD)No.27313 of 2019**

16.02.2023