



Cont.P(MD)Nos.451 and 452 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 24.01.2023

CORAM

**THE HON'BLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR.JUSTICE SUNDER MOHAN**

Cont.P(MD)Nos.451 and 452 of 2021
in
W.A(MD)Nos.68 of 2014 and 452 of 2021

R.Balakrishnan

.. Petitioner/Respondent in
both Cont.Ps

Vs.

1.Thiru.Dr J.Radhakrishnan, IAS
The State of Tamil Nadu,
Rep by Secretary to Government,
Health and Family Welfare(K2)
Department, Fort St.George,
Chennai-600 009.

2.Thiru Gurunathan
The Director of Medical & Rural Health Services,
Office of the Director of Medical &
Rural Health Services,
Chennai-600 006.

3.Thiru Asokan,
The Joint Director (In-charge)
Medical & Rural Health Services &
Family Welfare Department,
Periyakulam,
Theni District.

...Respondents/Appellants in both
Cont.Ps



Cont.P(MD)Nos.451 and 452 of 2021

Contempt Petitions filed under Section 11 of the Contempt of Courts Act, praying this Court, to punish the respondent herein for wilfully failing to comply with the order of this Court, dated 26.02.2020 made in W.A(MD)Nos.68 of 2014 and 769 of 2018.

For Appellant :Mr.K.Appadurai
For Respondents :Mr.D.Sasikumar
Additional Government Pleader

COMMON ORDER

DR. G.JAYACHANDRAN,J.
AND
SUNDER MOHAN,J.

These contempt petitions are filed by the former Medical Store Officer, Government Headquarters Hospital, Erode, was placed under suspension not allowed to retire on attaining superannuation.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.



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3. According to the petitioner, after placing him under suspension, as the criminal case was pending, he was not allowed even to retire on attaining superannuation and therefore, sought for disbursement of all monetary benefits in the writ petitions in W.P(MD)Nos.3913 and 3914 of 2006. The learned Single Judge allowed the writ petitions with a direction to disburse all the monetary benefits to the writ petitioner within a period of six weeks from the date of receipt of the order copy. Against which, the State preferred an appeal in W.A(MD)Nos.68 of 2014 and 769 of 2018, which came to be partly allowed with a direction that the petitioner is entitled for allowances as contemplated under Rule 53 of the Fundamental Rules and also direction to the Government to release the contribution of the petitioner to the Provident Fund and the Earned Leave Encashment, which is payable under Rule 53(1) of the Fundamental Rules.

4. One month time was granted to comply with this order. But alleging that except the sanction of Earned and Unearned Leave, House Rent Allowance, Dearness Allowance, Subsistence Allowance was not paid from the date of superannuation till date. On issuance of notice, the contemnor has come forward to file a Status Report, wherein, it is stated that the special



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Provident Fund Contribution along with interest, General Provident Fund, Earned Leave Encashment and Unearned Leave Encashment was paid to the writ petitioner as early as February 2021. Insofar as Subsistence Allowance is concerned, is being paid regularly till date and the petitioner has given an acknowledgement letter for the receipt of the Subsistence Allowance.

5.In view of the above, this Court finds that the order of this Court being complied with. Therefore, these contempt petitions are closed.

(G.J.,J.) (S.M.,J.)
24.01.2023

NCC:Yes/No
Index:Yes/No
Internet:Yes/No
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To

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- 1.The Secretary to Government,
Health and Family Welfare(K2)
Department, Fort St.George,
Chennai-600 009.
- 2.The Director of Medical & Rural Health Services,
Office of the Director of Medical &
Rural Health Services,
Chennai-600 006.
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