



CONT.P.(MD)No.678 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2023

CORAM

THE HONOURABLE MR.JUSTICE **BATTU DEVANAND**

CONT.P.(MD)No.678 of 2023

S.Berkmans

... Petitioner

Vs.

1.Mohan

The Managing Director,
Tamilnadu State Transport Corporation,
Tirunelveli.

2.Merlin Jayanthi

The General Manager,
Tamilnadu State Transport Corporation,
Ranithottam,
Nagercoil,
Kanniyakumari District.



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3.Venkatraj

The Administrator,

Tamilnadu State Transport Pension Trust,

Pallavan Salai,

Chennai.

...Contemnors/Respondents

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the contemnors/respondents for their wilful disobedience of the order passed by this Court made in W.P.(MD) No.17168 of 2016 dated 22.08.2022.

For Petitioner : Mr.S.Sivakumar

For Respondent : Mr.D.Jebaraj - for R1 & R2

Mr.S.C.Herold Singh - for R3

O R D E R

This contempt case has been filed complaining wilful disobedience of the respondents in implementing the order dated 22.08.2022 passed in W.P(MD)No.17168 of 2016.

2. While allowing the said Writ Petition, this Court directed the respondents to pay monthly pension and arrears of salary to the



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petitioner on par with his junior S.Narayana Pillai, and all other attendant and monetary benefits within a period of three months from the date of receipt of a copy of the order.

3. During the course of hearing on 19.09.2023, the learned counsel appearing for the respondents 1 and 2 submits that the respondents have sanctioned the monthly pension to the petitioner and it will be paid from 5th October, 2023 onwards to the petitioner every month. With regard to the arrears of salary, the learned counsel submits that vide office order, dated 04.09.2023 of the General Manager of the Tamil Nadu State Transport Corporation (Tirunelveli) Ltd., Nagercoil Region, the pay in respect of the petitioner is stepped up to on par with his junior Thiru.S.Narayana Pillai, and arrears of salary is paid to the petitioner, accordingly.

4. At that time, the learned counsel for the petitioner disputing the contention of the respondents that the entire arrears of salary is not paid to the petitioner. The respondents paid arrears of salary with effect from 12.12.2012 only and he contends that the petitioner is



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entitled for arrears of salary with effect from 01.11.2011. Under those circumstances, the learned counsel for the respondents 1 and 2 sought time for strict compliance of the order of the Court.

5. During the course of this Contempt case proceedings today, the learned counsel appearing for the respondents 1 and 2 has placed a copy of the office, order dated 25.09.2023 issued by the General Manager, Tamil Nadu State Transport Corporation (Tirunelveli) Ltd., Nagercoil Region.

6. On careful perusal of the same, it appears that in partial modification to the pay anomaly rectification orders already issued on 04.09.2023, the pay in respect of the petitioner is stepped up to on par with his junior with effect from 01.11.2011. The said order is placed on record.

7. The learned counsel for the petitioner again raised objections stating that though the respondents 1 and 2 passed order on 25.09.2023, the actual payment is not made till date.



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8. In our view, once the order, dated 25.09.2023, is passed by the respondents, finally the petitioner will receive the amount from the respondents. For that reason, we need not keep this Contempt case pending for further period.

9. In view of the above facts and circumstances of the case, in the considered opinion of this Court, the order of the Court is complied with by the respondents and accordingly, this Contempt Case is closed. It is open to the petitioner to take steps for re-open this Contempt Case, if the respondents failed to pay the amount for which the petitioner is entitled as per the office order, dated 25.09.2023.

26.09.2023

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

RM



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BATTU DEVANAND, J.

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