



Cont.P.(MD)No.744 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.02.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cont.P.(MD)No.744 of 2022

in

W.P.(MD)No.9466 of 2019

L.Arumugasamy

... Petitioner

Vs.

- 1.Mrs.Supriya Sahu I.A.S
The Principal Secretary to Government,
Forest and Environment Department,
Secretariat,
Chennai-600 009.
- 2.Mr.S.Yuvaraj I.F.S.,
The Principal Chief Conservator of Forest,
Panagal Buildings,
Saidapet,
Chennai-600 015.
- 3.Mr.N.Balaji,
The Forest Range Officer,
Upper Kodayar Forest Range,
Nalumukku Post-627 427,
Upper Kodayar,
Tirunelveli District.



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4.Mr.A.Anbu,
The Deputy Director/Wildliffe Wardern,
Kalakkad Sanctuary,
Kalakkad-627 501,
Tirunelveli District.

5.Mr.R.Ambalavanan IA & AS,
The Principal Accountant General,
The Principal Accountant General Office,
Chennai-600 018.

... Contemnors/Respondents

PRAYER: Petition filed under Section 11 of the Contempt of Courts Act to punish the contemnors/respondents herein for their willful disobedience of the order passed by this Court in W.P(MD) No.9466 of 2019 dated 22.04.2019.

For Petitioner : Mr.S.Saravanan

For Respondents : Mr.A.Baskar
Additional Government Pleader

ORDER

For non-compliance of the order of this Court, dated 22.04.2019 made in W.P.(MD)No.9466 of 2019, the Contempt Petition is filed.



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2. The petitioner for inclusion of 50% of service rendered by him in the non-provincialized post prior to the regularization filed the writ petition for mandamus directing the respondents to revise the pension by calculating the period of service rendered as Plot Watchers in accordance with Tamil Nadu Village Assistants Pension Rules, 1995.

3. This Court, by its order, dated 22.04.2019, issued a direction to the respondents to pay pension amount calculating 50% of the services rendered by the petitioner as Plot Watchers prior to his regularization in terms of Section 11(4) of Tamil Nadu Pension Rule. Since the said direction was not complied with by the respondents, the present contempt petition is filed.

4. The facts remains that the post of Plot Watchers is not within the ambit of Section 11(4) Tamil Nadu Pension Rules, 1978 and the petitioner is not entitled to 50% of the services rendered by him. However, the said issue was settled by the Hon'ble Division Bench of this Court in W.A(MD) No.1629 of 2018 etc., batch in the case of *State of Tamil Nadu*



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and others Vs E.Balachandran reported in **2021(3) MLJ 92** and the same was confirmed by the Hon'ble Supreme Court in S.L.P.Nos.736 to 766 of 2021.

5. In view of the above, there is no wilful disobedience. Accordingly, this Contempt Petition is closed.

10.02.2023

Index : Yes / No
Internet : Yes / No
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To

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M.DHANDAPANI, J.

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W.P.(MD)No.9466 of 2019**

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