



Cont.P.(MD)No.1482 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.02.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cont.P.(MD)No.1482 of 2023

in

W.P.(MD)No.14 of 2019

1.K.Yadavan

2.R.Perumal

3.P.Madanagopal

4.M.Ganesan

... Petitioners/Petitioners

Vs.

1.Mr.Kumar Jayant IAS

The State of Tamil Nadu,

Rep. by its Principal Secretary to Government,

Revenue Department,

Secretariat, Chennai.

2.Smt.S.R.Subarajani,

The Accountant General (A&E), Pension,

No.191, Anna Salai,

Chennai.

... Contemnors/Respondents



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PRAYER: Petition filed under Section 11 of the Contempt of Courts Act to punish the contemnors/respondents under the contempt of Court Act for their willful disobedience of order of this Court passed in W.P(MD) No.14 of 2019 dated 10.02.2020.

For Petitioner : Mr.H.Arumugam
For R1 : Mr.K.Christy Theboral
Additional Government Pleader
For R2 : Mr.P.Gunaselan

ORDER

For non-compliance of the order of this Court, dated 10.02.2020 made in W.P.(MD)No.14 of 2019, the Contempt Petition is filed.

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 Village Assistant in accordance with Tamil Nadu Village Assistants Pension Rules, 1995.



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3.This Court, by its order, dated 10.02.2020, issued a direction to the respondents to pay pension amount calculating 50% of the services rendered by the petitioner as Village Assistant 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 Village Assistant 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 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.



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5. In view of the above, there is no wilful disobedience.

Accordingly, this Contempt Petition is closed.

10.02.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To

- 1.The Principal Secretary to Government,
State of Tamil Nadu,
Revenue Department,
Secretariat, Chennai.
- 2.The Accountant General (A&E), Pension,
No.191, Anna Salai,
Chennai.



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M.DHANDAPANI, J.

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in
W.P.(MD)No.14 of 2019

10.02.2023