



CONT.P(MD)No.1400 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:27.02.2023

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HONOURABLE MR.JUSTICE K.K. RAMAKRISHNAN**

**CONT.P(MD)No.1400 of 2021
in
W.A(MD)No.532 of 2021**

S.Vijayalakshmi

:Petitioner/Appellant

.VS.

- 1.Mr.J.Kailainathan,
The Director,
Directorate of Pension,
No.254, Annasalai,
2nd Floor, DMS Compound,
Teynampet,
Chennai.
- 2.Mr.Sunil Kumar Singh, I.P.S.,
The Additional Director General of Prison,
Prisionary Department,
No.1, Gandhi Irvin Road,
Egmore,
Chennai-8.
- 3.Mr.Kanagaraj,
The Deputy Inspector General of Prison,
Trichy Range,
Trichy District.



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4.Mr.Andal,
The Superintendent of Prison,
Trichy,
Trichy District.

: Contemnors/Respondents 2to5

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the contemnor for the deliberate and wilful disobedience of the order dated 16.03.2021 passed by this Court in W.A(MD)No.532 of 2021.

For Petitioner

:Mr.C.Venkatesh Kumar
M/s.Ajmal Associates

For Respondents

:Mr.D.Sasikumar
Additional Government Pleader

ORDER

DR G.JAYACHANDRAN, J.
AND
K.K. RAMAKRISHNAN, J.

Alleging disobedience of the order of this Court passed on 16.03.2021 in W.A.No.532 of 2021 directing the respondents to take into consideration the service rendered by the appellant's husband in the Prison Department and thereafter compute the pension, the present contempt petition is filed.



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2. According to the petitioner, her husband before joining as Teacher in the Education Department, served in the Prison Department as Jailer and his service rendered in the Prison Department should be taken into account for computing pension.

3. The Division Bench of this Court reversed the dismissal of the writ petition and allowed the prayer sought for by the petitioner in the appeal. The department has also revised the family pension payable to the petitioner, since her husband died. However, it is contended that the entire service in the prison department not taken into account and therefore, the respondent has committed disobedience of the order of this Court.

4. Revised pension, as per the pension proposals submitted by the petitioner, had been passed on 11.01.2022 taking into account the qualifying service of the petitioner as 25 years 7 months one day and taking into account the last pay drawn as Rs.6,050/- the enhanced family pension of Rs.3,025/- been sanctioned. Similarly, DCRG has also been calculated taking into account the qualifying service is 25 years 7 months and one day.



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5.However, the learned counsel appearing for the contempt petitioner would submit that the Department has not taken 25 years of qualifying service for fixing pension.

6.From perusing the pension proposal, dated 11.01.2022 after carrying out the revision to the family pension pursuant to the order passed by this Court on 16.03.2021, the family pension payable is fixed as Rs.3,025/-. This Court finds that the respondent has taken the full service of the Government Servant, which includes his prior service in the Prison Department. However, if there is any error in the calculation, it is open to the petitioner to make proper representation. The contempt petition is not maintainable, since the order of this Court has been complied with by revising the pension and granting revised DCRG to the petitioner. If at all any arithmetical error, the same may be brought to the authority concerned, if it is so, the same may be rectified.

[G.J.,J.] [K.K.R.K.,J.]
27.02.2023

NCC:Yes/No
Index:Yes/No
Internet:Yes/No
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ORDER MADE IN

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