



Cont.P.(MD) No.1356 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

CONT.P.(MD)No.1356 of 2022

D.Jaisankar (died)

1.Sujatha

2.Agalya

3.Pradeepa

4.Minor Kaviya

... Petitioners

(Minor 4th respondent is represented by her mother and natural guardian J.Sujatha)

Petitioners 1 to 4 are impleaded vide Court order dated 30.06.2023 in Sub.A.(MD)No.161 of 2023)

-Vs-

1.Mr.Rajmohan,

The Managing Director,

Tamil Nadu State Transport Corporation

(Kumbakonam) Ltd., Kumbakonam.

2.Mr.Sakthivel,

The General Manager,

Tamil Nadu State Transport Corporation

(Kumbakonam) Ltd.,

Trichy Region, Trichy.

...Contemnors / Appellants

Page 1 of 7



Cont.P.(MD) No.1356 of 2022

PRAYER : Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondents / contemnors for willful disobedience of the order passed by this Court in W.A.(MD)No.82 of 2022, dated 29.04.2022.

For Petitioners : Mr.A.Rahul

For Respondents : Mr.K.Jagadees Balan

ORDER

[Order of the Court was made by R.SURESHKUMAR, J.]

Alleging non-compliance of the order passed by this Court in W.A.(MD)No.82 of 2022, dated 29.04.2022, this Contempt Petition is filed.

2.On earlier occasions ie., on 17.04.2023 and 01.06.2023, when this Contempt Petition had come up for hearing, this Court has given some directions, in fact, on the last direction, that was given on 01.06.2023, a statutory notice was issued to the respondents to appear before this Court.

3.Pursuant to the said notice, today, when the matter is taken up for hearing, the learned counsel for the respondents has stated that the 2nd

Page 2 of 7



Cont.P.(MD) No.1356 of 2022

WEB COPY

respondent is present before this Court. Insofar as the 1st respondent is concerned, since he become sick, he has filed a petition to dispense with his presence in Sub.A.(MD)No.160 of 2023, which has already been accepted and allowed by this Court.

4.The learned counsel for the respondents has filed typed set of documents, where a calculation memo from the point of view of the respondents employer has been filed. In the said typed set of documents, revised working chart for salary arrears in one head and revised working chart for Provident Fund Contribution in another head have been indicated. Under the salary arrears head, the admitted due is Rs.8,74,180/- (Rupees Eight Lakhs Seventy Four Thousand One Hundred and Eighty Only) and the Provident Fund Contribution head is concerned, it is Rs.1,41,063/- (Rupees One Lakh Fourty One Thousand and Sixty Three Only).

5.On perusal of this document, the learned counsel for the petitioner has submitted that though still there are some discrepancies in the calculation,

Page 3 of 7



Cont.P.(MD) No.1356 of 2022

WEB COPY

since the employee is already no more and only the legal heirs of the employee / the petitioners herein are awaiting to get this amount, in order to get the said amount, the petitioners are ready and willing to accept this calculation, as now has been given on behalf of the employer.

6.The learned counsel for the respondents would submit that the said amount of Rs.8,74,180/- would be paid to the widow of the employee, who is among the legal heirs, as per the legal heir certificate treating her as nominee, within a period of two weeks, as formalities to get signature from various authorities for circulation requires such two weeks period.

7.He would further submit that even the Provident Fund Contribution to the extent of Rs.1,14,063/- within the same period would be paid to the Pension Fund Trust, Chennai, enabling them to calculate the pension as well as the family pension payable to the retired deceased employee and the family of the employee concerned.



Cont.P.(MD) No.1356 of 2022

WEB COPY

8.The said statement made by the learned counsel for the respondents is taken on record.

9.With the result the following order is passed in this Contempt Petition:-

(i)that there shall be a direction to the respondents to disburse the said amount of Rs.8,74,180/- by way of cheque or Demand Draft drawn in the name of widow of the deceased employee as nominee within a period of two weeks from the date of receipt of a copy of this order. Like that a sum of Rs.1,14,063/- also shall be paid by the respondent employer in the name of the deceased employee at the Pension Fund Trust at Chennai within the same period of two weeks;

(ii)It is made clear that within the said period, if the compliance as directed above is not made, the respondents shall be made liable to be initiated further contempt against them unmindful of closing of this Contempt Petition.

Page 5 of 7



Cont.P.(MD) No.1356 of 2022

WEB COPY

10. With the above direction, this Contempt Petition is closed, of course, with liberty to the petitioners to revive the same, in case there is any failure of the compliance on the part of the respondents.

[R.S.K., J.] & [R.V., J.]
30.06.2023
(3/3)

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

MYR



WEB COPY



Cont.P.(MD) No.1356 of 2022

R.SURESH KUMAR, J.
AND
R.VIJAYAKUMAR, J.
MYR

CONT.P.(MD)No.1356 of 2022

30.06.2023

Page 7 of 7