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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:**09.02.2023**

**CORAM:**

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

**CONT.P(MD)NO.1911 OF 2021  
and  
W.A(MD)No.500 of 2021**

A.Stalin :Petitioner/Appellant

.VS.

Rajmohan,  
The Managing Director,  
Tamil Nadu State Transport Corporation  
(Kumbakonam Division-IV)Limited,  
Thirumayam Road,  
Pudukkottai. :Contemnor/Second Respondent

**PRAYER:** Contempt Petition filed under Section 11 of the Contempt of Courts Act praying this Court to punish the Contemnor for his wilful disobedience of the order passed by this Court in W.A(MD)No. 500 of 2021, dated 04.03.2021.

|                |                                          |
|----------------|------------------------------------------|
| For Petitioner | :Mr.M.Saravanan<br>for M/s.R.Subramanian |
| For Respondent | :Mr.D.Sivaraman<br>Standing Counsel      |



**ORDER**  
**\*\*\*\*\***

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

Pursuant to the compromise, the Management and the employee, the Writ Appeal was disposed of on the following terms:

*"(a) Both the parties viz., the Appellant/Management and the first respondent/employee have agreed to treat the date of award passed in the I.D.No.40 of 2003 ie., 23.4.2013 as date of retirement of the first respondent.*

*(b)The Management shall grant continuity of service to the first respondent till 23.04.2013 and settle all the retirement benefits by treating 23.04.2013 as the date of retirement of the first respondent.*

*(c)The first respondent has received 17(b) Wages till July 2017. Both the parties agree that the Ist Respondent is not entitled for back-wages for any period and the 17(b) wages paid to him will not be recovered from his retirement benefits.*

*(d)The Appellant/Management agrees to settle all the retirement benefits as stated above within a period of three months.*



*(e)Both the parties agree for the above terms and the first respondent will not have any claim from the Appellant/Management except the benefits for which he is entitled as per the above terms."*

Alleging that the management has not complied with the said direction of this Court, the Contempt Petition is filed.

2.In response, the Management has furnished the statement, wherein, they claim that as per the order of this Court, retirement benefits is settled to the Contempt Petitioner. As far as the arrears of pension is concerned, due to financial crisis Rs.4,73,873/- payable to the Contempt Petitioner as pension arrears, will be paid in four equal commencing from February, 2002 and accordingly, the pension arrears also been paid to the Contempt Petitioner.

3.However, the learned counsel for the Contempt Petitioner would state that the length of service for calculating pension benefits and gratuity, is not correct instead of 33 years of service, the management has taken only 22 years of service and therefore, there is disobedience on the part of the management. However, from the order passed by this Court in W.A(MD)No.500 of 2021 and



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187 of 2019, which was passed in terms of compromise or in the other proceedings, this Court is not able to see the commencement of service or total length of service of the Contempt Petitioner, which now been a disputed fact and the order which alleged to have been breached, is not clear about the commencement of service or length of effective service. Therefore, it is open to the Contempt Petitioner to make proper representation to the second respondent/Corporation, with all necessary details in support of his claim regarding the length of service and if there is any necessity to revise the pensionary benefits, the management shall do so, within a period of four weeks from the date of receipt of such representation from the Contempt Petitioner.

4. With this direction, the Contempt Petition is closed. No costs.

**[G.J.,J.] [K.K.R.K.,J.]**  
**09.02.2023**

Index: Yes/No

Internet: Yes/No

NCC: Yes/No

vsn



To

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**DR.G.JAYACHANDRAN, J.**

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vsn

**ORDER MADE IN**

**CONT.P(MD)NO.1911 OF 2021**

**and**

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