



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Friday, the Twenty First day of April Two Thousand and Twenty Three

PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY

SUB A(MD). No.73/2023
in Cont.P (MD)No.1399/2018
in WP (MD) No.23691/2016

R.Radhakrishnan ... Petitioner/Petitioner/Petitioner

Vs

1 Jebaraj Navamani
The General Manager,
The Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.
Represented by its General Manager
Tirunelveli Region.

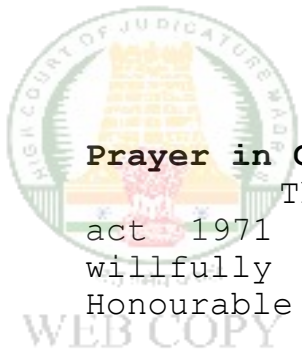
2 Arumugam,
The Administrator,
Tamil Nadu State Transport Corporation Pension Trust,
Thiruvalluvar Illam,
Pallavan Salai.
Chennai - 600002. ...Respondents/contemnors/respondents

Prayer in Sub Appln.(MD).No.73/2023:-

This petition is filed u/s 151.CPC to reopen the Cont.P.
(MD).No.1399/2018 in W.P.(MD).No.23691 of 2016 on the file.

Prayer in WP(MD).23691/2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents to settle the petitioners retirement benefits including Provident Fund of Rs. 1,32,562/- Gratuity of Rs. 5,96,836/- Commutation of Pension Rs. 2,56,554/- Earned Leave Waves of Rs. 2,453/- for 8 days payable to him along with Arrears of Monthly Pension payable form 01.05.2016 onwards with 16% rate of Interest based on his representation dated 26.11.2016.

**Prayer in CONT P(MD).1399/2018 :**

The contempt petition is filed u/s 11 of contempt courts act 1971 to commit and punish the Contemnors/Respondents for willfully disobeying and non complying with the order of this Honourable Court dated 7.12.2016 in W.P.(MD)No.23691 of 2016.

ORDER:-

This Sub Application is coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Thiru.G.M.Xavier, Advocate for the Petitioner and Thiru.D.Jebaraj, Standing counsel for R1, Thiru S.C.Herold sing, advocate for R2 , this Court made the following order:

This Sub Application is filed alleging that the respondents have not complied with the order passed by this Court.

2. This Court vide order dated 07.12.2016 in W.P.(MD).No.23691 of 2016 has directed the respondents to pay terminal benefits in installments and the same would carry interest and also the petitioner was granted liberty to question the computation.

3. When the matter is taken up for hearing, the petitioner as well as the respondents submitted that the respondents have settled the amount. However, there are some discrepancies in the computation. Therefore, the petitioner has misunderstood the direction of this Court and has filed this Sub Application. In the Contempt Petition, the petitioner cannot challenge the computation, since the respondents have only limited scope to contest the case in the Contempt Petition. Therefore, the petitioner ought to file Writ Petition challenging the computation if he so aggrieved. Therefore, the Sub application cannot be entertained. The petitioner is at liberty to challenge the same by way of filing Writ Petition. Now, the respondents have already circulated calculation along with the proceedings and the petitioner is at liberty to challenge the same.

4. Hence, the Sub Application is closed.

Sd/-

Assistant Registrar (CS-III)

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/06/2023

Sub Assistant Registrar(CS)



SUB A(



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TO

1. The General Manager,
The Tamil Nadu State Transport Corporation
(Tirunelveli) Ltd.
Tirunelveli Region.

2. The Administrator,
Tamil Nadu State Transport Corporation Pension Trust,
Thiruvalluvar Illam, Pallavan Salai
Chennai - 600002.

Copy to:

The Section Officer,
Contempt Section,
Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.S.C.Herold Singh, Advocate(SR-23561[F] dated
25/04/2023)

ORDER DATED : 21/04/2023

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ORDER

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SUB A(MD) . No.73/2023

in

CONT.P (MD)No.1399/2018

in

WP (MD) No.23691/2016

SI/(15.06.2023) 3P/ 5C