



Cont.P.No.640 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12..04..2024

Coram

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

Cont.P.No.640 of 2024

V.Senthil

..... Petitioner

-Versus-

1.Mr.Arjunan,
General Manager,
Tamil Nadu State Transport Corporation,
Villupuram Limited,
Villupuram-605 602.

2.Mr.Raj Mohan,
Managing Director,
Tamil Nadu State Transport Corporation,
Villupuram Region,
Villupuram-605 602.

..... Respondents

Petition filed under Section 11 of the Contempt of Courts Act, 1971,
praying to punish the respondents for disobedience of the orders of this Court
dated 08.08.2023 made in W.P.No.22131 of 2023.

For Petitioner : *Mr.Joesph Stalin*

For Respondent (s) : *Mrs.S.Pavithra*



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ORDER

WEB COPY This contempt petition has been filed seeking to punish the respondents herein for disobedience of the orders of this court dated 08.08.2023 made in W.P.No.22131 of 2023.

2. This court by order dated 08.08.2023 which is under contempt has held as under:-

“5. This Court is of the view that it is not advisable for the Corporation to engage the petitioner to drive the Heavy Motor Vehicles namely passenger bus. Such view of the matter as the petitioner has suffered such disease after joining other as a driver, the respondent Corporation has to explore other possibilities to post the petitioner in any other light job in the same pay scale.

6. Now, it is stated by the learned counsel for the respondent that the petitioner is given a light job as a security guard, cash auditing and petrol tank operator. However, the petitioner has refused to do the said work in the night time, whereas, the learned counsel for the petitioner submitted that the petitioner will work in the light job even in the night time without any resistance. Such statement is recorded.

7. Such view of the matter, the respondent Corporation shall assign the petitioner with light job as already provided to him and it is also made clear that since



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such arrangement has been made on the basis of the opinion of the Medical Board dated 28.12.2022 and the opinion is immediately after the surgery undergone by the petitioner. This Court is of the view that the said opinion cannot be taken as permanent one to post the petitioner in a light job, permanently. For assessing the petitioner's condition, the respondent Corporation shall assess the petitioner's medical condition once in a year and the petitioner shall appear before the Medical Board every year. Based on such Medical Board's opinion, further decisions whether or not the light job is required by the petitioner has to be decided. As the Medical Board has already given opinion on 28.12.2022 till December 2023, the petitioner shall be given a light job and the petitioner is required to appear before the Medical Board in the end of December 2023. Based on the Medical Board Report, the respondent shall decide the nature of job which may be assigned to the petitioner.

8. With the above directions, this writ petition stands disposed of. Consequently, connected miscellaneous petition is closed. It is also made clear that if any arrears are withheld by the respondent corporation of all these days, the same shall be paid to the petitioner forthwith. No costs.”



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3. Heard both sides.

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4. The grievance of the petitioner is that he was denied salary for 397 days and that the respondents have deducted Earned Leave, Casual Leave and Medical Leave for the period during which he was not assigned with alternate employment. According to the petitioner, he is entitled to salary for the period from 21.12.2019 to 21.01.2020; 21.02.2020 to 30.04.2020; 20.08.2021 to 21.12.2021, 20.03.2022 to 21.06.2022, 21.08.2022 to 21.10.2022 and 01.01.2023 to 28.02.2023 during which he was not given light duty.

5. The learned counsel for the respondents submitted that orders of this court have been complied with by paying the salary for the duty period. She has also produced a memo showing the pay details from December, 2022 to December, 2023. According to the learned counsel, salary for the months of February, 2023 and August, 2023, was not paid to the petitioner as he absented himself from work/duty continuously.

6. This court has considered the rival submissions.

7. This court do not find any contempt of order of this court warranting contempt proceedings against the respondents and the same is liable only to be dismissed.

In the result, the contempt petition is dismissed. If at all the petitioner has any grievance over the order under contempt, he can very well challenge



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the same in the manner known to law.

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Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
kmk

To

1.The General Manager,
Tamil Nadu State Transport Corporation,
Villupuram Limited,
Villupuram-605 602.

2.The Managing Director,
Tamil Nadu State Transport Corporation,
Villupuram Region,
Villupuram-605 602.



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