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Cont.P. No. 509 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2024

CORAM

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

Cont.P. No.509 of 2021

P.V.Mahadevan

.. Petitioner

Vs.

1.Karthikeyan,
The Secretary to Government,
Housing and Urban Development
Department,
Secretariat,
Fort St. George,
Chennai 600 009.

2.B.Murugesh,
The Managing Director,
Tamil Nadu Housing Board,
No.493, Anna Salai,
Nandanam,
Chennai 600 035.

.. Respondents

Prayer: Contempt petition filed under Section 11 of Contempt of Court Act, 1971, to initiate appropriate contempt proceedings against the respondents 1 to 3 herein for their wilful disobedience of the order dated 28.07.2011 made in W.P.No.12716 of 2010, of this Hon'ble Court culminated in the Hon'ble Apex Court order made in Civil Appeal No.840 of 2017 dated 23.01.2017 under Section 11 of the Contempt of Courts Act, 1971 and consequently in the event of holding the respondents guilty, punish them under Section 12



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of the Contempt of Court Act 1971 besides issue direction to the respondents 1 to 3 herein to enforce the impugned judgments in its full as guided by the Hon'ble Apex Court in its judgment reported in AIR 1990 SCC 464, and as directed in 2000(2) SLR 399.

For Petitioner : Mr.S.Rajendra Kumar
For R1 : Mr.VAdivelu Deenadayalan
Additional Government Pleader.
For R2 : Mr.V.Logesh

ORDER

This contempt petition has been filed alleging violation of the order dated 28.07.2011 passed in W.P.No.12716 of 2010 as modified by the Hon'ble Apex Court in Civil Appeal No.840 of 2017 by an order dated 23.01.2017.

2. This Court, while disposing of W.P.No.12716 of 2010 by an order dated 28.07.2011 passed the following order:

“In view of the aforesaid reasons, this Court is constrained to set aside the impugned order and accordingly, the impugned order dated 22.09.2006 passed by the second respondent herein in Letter No.PT-1/10265/2001 is hereby set aside. Consequently, the



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second respondent herein is directed to pay interest at the rate of 18% per annum for the delayed disbursement of retrial to the petitioner. It is made clear that the said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.”

3. The rate of interest awarded at the rate of 18% of the above order was subsequently stood modified by virtue of Hon'ble Apex Court awarding rate of interest at the rate of 12%. It is pursuant to the said order, the respondents have paid certain amounts to the petitioner. However, a dispute arose on the quantum of amount paid, there is discrepancy itself between the amounts calculated by the petitioner and the amounts calculated by the respondents.

4. During the pendency of this contempt petition, this Court, by an order dated 20.07.2023, directed the Registry of this Court to calculate the amounts due and payable to the petitioner in terms of the order passed by this Court as modified by the Hon'ble Apex Court. In terms of the said order, the Registry of this Court calculated the amounts and came to the conclusion that the petitioner in all is entitled for a sum of Rs.56,44,771/- and the details of the said amounts are as under:



<i>Sl.No.</i>	<i>Description</i>	<i>Payable Amount</i>
1	DCRG	10,73,516.00
2	Commutation	19,83,937.00
3	Encashment on Earned Leave	7,40,717.00
4	Pay Commission Arrear 1	11,08,837.00
5	Pay Commission Arrear 2	7,37,764.00
	Total	56,44,771.00

Out of the said amount of Rs.56,44,771/-, the 2nd respondent has already paid an amount of Rs.50,80,294/- and the balance amount is stated to have been deducted towards income Tax Deducted at Source (TDS) and the same was also remitted to the relevant account of the petitioner.

5. Though the dispute is sought to be raised on the quantum of amount arrived at by the Registry, there is nothing substantial material placed on record to dispute the amount calculated by the Registry. In the absence of any material placed before this Court to dispute the quantum of amount calculated by the Registry, this Court is not inclined to go further deep into the matter in this contempt petition. Accordingly, taking into consideration that the respondents have, in all, paid the amount of Rs.56,44,771/- as calculated by this Court, including TDS, this Court is not inclined to continue this contempt proceedings in further.



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6. Accordingly, this contempt petition is closed. However, if the petitioner is aggrieved by the said quantum and intends to dispute the same, it is open for the petitioner to agitate the same independently by initiating appropriate proceedings in accordance with law.

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