



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Cont.P.Nos.497, 498, 553, 558, 591 and 740 of 2024

E.Mohan	...	Petitioner [in Cont.P.No.497/2024]
D.Parimelazhagan	...	Petitioner [Cont.P.No.498 of 2024]
C.Franklin Sampath Cecil	...	Petitioner [Cont.P.No.553 of 2024]
S.Sabapathy	...	Petitioner [Cont.P.No.558 of 2024]
V.Mathialagan	...	Petitioner [Cont.P.No.591 of 2024]
J.Sekar	...	Petitioner [Cont.P.No.740 of 2024]

versus

1.Dr.Alby Johan Varghese,
Managing Director,
Metropolitan Transport Corporation (Chennai) Ltd.,
Pallavan Illam, Pallavan Salai,
Chennai - 600 002.

2.Mrs.S.Sasikala,
Chief Financial Officer,
Metropolitan Transport Corporation (Chennai) Ltd.,
Pallavan Illam, Pallavan Salai,
Chennai - 600 002.

Respondents
[in all Cont.Ps.]



Common Prayer: Contempt Petitions filed under Section 11 of the Contempt of Courts Act, 1971, praying to punish the respondents for having committed contempt by willful disobedience of the orders of this Court made in W.P.No.3705 of 2023 dated 08.09.2023, W.P.No.3697 of 2023 dated 08.09.2023, W.P.No.3708 of 2023 dated 21.09.2023, W.P.No.3703 of 2023 dated 08.09.2023, W.P.No.3706 of 2023 dated 08.09.2023 and W.P.No.4432 of 2023 dated 08.09.2023 respectively.

For Petitioner [in all Cont.Ps.]	:	Mr.S.T.Varadarajulu
For Respondents [in all Cont.Ps.]	:	Mr.Ramanlaal Additional Advocate General Asst. by Mr.C.Gauthamaraj Standing Counsel for MTC

COMMON ORDER

These Contempt Petitions have been filed by the petitioners for the alleged disobedience of the orders of this Court made in W.P.No.3705 of 2023 dated 08.09.2023, W.P.No.3697 of 2023 dated 08.09.2023, W.P.No.3708 of 2023 dated 21.09.2023, W.P.No.3703 of 2023 dated 08.09.2023, W.P.No.3706 of 2023 dated 08.09.2023 and W.P.No.4432 of 2023 dated 08.09.2023 respectively.



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2. The learned Additional Advocate General appearing for the respondents submitted that the amount has been paid to the petitioners as per the Rules. Whereas the learned counsel appearing for the petitioners would submit that, as per the 7th Pay Commission, a gratuity of Rs.20,00,000/- would be payable to the petitioners from 01.01.2016. Therefore, according to him, the petitioners are entitled to Rs.20,00,000/- of gratuity.

3. It is the stand of the respondents that though the Government has passed Government Order adopting the 7th Pay Commission in G.O.Ms.No.313, Finance (Pay Cell) Department, dated 25.10.2017, Statutory Boards were permitted to adopt the said Government Order only on 09.11.2017 in G.O.Ms.No.333. Based on such permission, the Board has now passed a Resolution and followed the amendment in the Payment of Gratuity Act, 1972, which came into effect on 29.03.2018. Hence, according to them, they followed the Rules and paid the amount.



4. Since this issue is to be decided on the judicial side and now that the amount has been paid as per the Rules, this Court cannot venture into the interpretation. Hence, these Contempt Petitions are closed. The petitioners are permitted to challenge those orders in an appropriate manner.

25.04.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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N.SATHISH KUMAR, J.

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