



Cont.A.No.5 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Cont.A.No.5 of 2024
and C.M.P.No.13763 of 2024

The Government of Tamil Nadu
Rep. by the Additional Secretary,
Public (Political Pension) Department,
Secretariat, St. George Fort,
Chennai-600 009.

... Appellant/Respondents

Vs.

M.Velu

...Respondent/Petitioner

PRAYER: Contempt Appeal filed under Section 19 of the Contempt of Court Act, seeking to set aside the order passed in Cont.P.No.1653 of 2024 dated 01.07.2024 and allow this Contempt Appeal.

For Appellant : Mr.P.Kumaresan
Additional Advocate General
assisted by Mr.Harish
Government Advocate

For Respondent : Mr.V.Nandagopalan



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JUDGEMENT

(Order of the Court was made by *M.S.RAMESH, J.*)

When it was brought to our notice that the freedom fighter pension was not disbursed to the writ petitioner / respondent herein and the orders passed in Cont.P.No.1653 of 2024 has not been complied with, we have passed an interim order dated 05.07.2024 which reads as follows:

"Mr.P.Kumaresan, learned Additional Advocate General assisted by Mr.Harish, learned Government Advocate appeared for the State/Petitioner/Appellant. Mr.V.Nandagopalan, learned counsel entered appearance for the respondent.

2.On a prima facie view, we do not find any reason to interfere with the order of the learned Judge insofar as the issuance of the non-bailable warrant is concerned, since the order of the Writ Court has not been complied for more than a year. However, since it is stated by the learned Additional Advocate General that the earlier order dated 24.06.2024 was not received by them when the order was passed on 01.07.2024 and that they had received the copy



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only by the Evening of 01.07.2024, they had no knowledge about the conditions stipulated in Paragraph 5 of the order, we are inclined to stay the order of the issuance of non-bailable warrant, subject to the following two conditions:

(a) that the contemnor shall pay the entire arrears of freedom fighter pension as per the order of the Writ Court passed in W.P.No.18332 of 2021 dated 18.04.2022, without prejudice to the rights of the appellant in the Review Application Sr.No.83933 of 2024, commencing from 13.12.2008 at the rate of Rs.17,000/- and from 15.09.2023 at the rate of Rs.20,000/- to the respondent herein forthwith; and

(b) that the contemnor shall be present before the learned Judge when the Contempt Petition No.1653 of 2024 is listed on the next hearing.

We hereby clarify that we have not interfered with any other observations made in the order dated 01.07.2024.

Call the matter on 12.07.2024 for recording compliance of this order."



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2. In consequence to the aforesaid order, it is now reported by the learned Additional Advocate General that the directions in the interim order dated 05.07.2024 were complied with and the entire arrears of the freedom fighter pension was disbursed to the respondent. It is also stated that the learned Single Judge had recorded the compliance and has closed the Contempt Petition. As such, no orders are required to be passed in this Contempt Appeal.

3. Accordingly, this Contempt Appeal stands closed. Consequently, connected miscellaneous petition is closed.

[M.S.R., J] [S.M., J]

12.07.2024

Index: Yes/No
Internet: Yes/No
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