



Cont.P.No.2598 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12..04..2024

Coram

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

Cont.P.No.2598 of 2023

P.Viswanathan

..... Petitioner

-Versus-

Thiru.Pradeep Yadav, I.A.S.,
Principal Secretary to Government,
Highways and Minors Ports (HL-1) Department,
Secretariat, Fort St. George,
Chennai 600 009.

..... Respondents

Petition filed under Section 11 of the Contempt of Courts Act, 1971,
praying to punish the respondent for wilful disobedience of the order of this
court dated 04.07.2023 made in W.P.No.26118 of 2022.

For Petitioner : *Mrs.Malarvizhi Udayakumar*

For Respondent : *Mr.P.Balathandayutham,*
Special Government Pleader



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ORDER

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Alleging contempt of order of this court dated 04.07.2023 made in W.P.No.26118 of 2022, the petitioner has come forward with the present contempt petition.

2.This court has directed the 1st respondent to pass appropriate orders sanctioning the revised provisional pension within a period of one month from the date of receipt of a copy of the order under contempt.

3. The grievance of the petitioner is that pursuant to the order of this court only a sum of Rs.35,46,258/- was paid, after recovering all dues, as provisional pension as against the proposal of Rs.46,28,038/-.

4. According to the learned counsel for the petitioner, the remaining amount has to be paid to the petitioner.

5. The learned Special Government Pleader would on the other hand contending that though proposal was for Rs.46,28,038/-, the Government has passed order taking note of the fact that the calculation was not correct. Similarly, according to the learned Special Government Pleader, the Government was of the view that the amount found in the proposal was arrived at without taking note of Rule 69 (2) of the Tamil Nadu Pension Rules, 1978.



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6. The break-up details showing calculation of provisional pension produced by the Special Government Pleader would indicate that while forwarding the proposal, the bill was prepared for the period from 01.07.1993 to 30.09.2022 including the period for which he was paid normal pension and subsistence allowance which he was not entitled as per Rule 69(2) of the Tamil Nadu Pension Rules, 1978. Since the Government has passed an order in this regard, this court finds no wilful disobedience in carrying out the order of this court. Needless to say, if the petitioner still feels aggrieved by the decision taken by the Government over the pension proposal, it is always open for him to challenge the same in the manner known to law.

In the result, the contempt petition is closed.

Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
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N.SATHISH KUMAR.J.,

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