



Cont.P.No.144 of 2024

In the High Court of Judicature at Madras

Dated : 30.4.2024

Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Contempt Petition No.144 of 2024
& Sub.A.No.361 of 2024

D.Parimala
W/O late Mr.N.Dhandapani

...Petitioner

Vs

1.Mr.S.K.Prabakar, Principal
Secretary-cum-Revenue
Administrative Commissioner,
Ezhilagam, Chepauk, Chennai-5.

2.Tmt.Sarayu, District Collector,
Krishnagiri District, Krishnagiri.
635001.

3.Thiru.Sadanai Kural, District
Revenue Officer, Collectorate,
Krishnagiri-635001.

4.Thiru.Babu, Revenue Divisional
Officer, Divisional Office,
Krishnagiri-635001.

5.Thiru.Thirumalaivasan, Tahsildar,
Taluk Office, Uthangarai,
Krishnagiri District-635207.

...Respondents

PETITION under Section 11 of the Contempt of Courts Act to



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punish particularly respondents 1, 2 and 4 for having not only violated, but also disobeyed the order of this Court made in W.P.No.1965 of 2020 dated 26.2.2020.

For Petitioner : Mr.C.Premkumar
For Respondents : Mr.J.Ravindran, AAG
assisted by Ms.R.L.Karthika, GA

ORDER

Pursuant to the earlier order passed on 26.4.2024, the matter is taken up for hearing today under the caption 'for reporting compliance'.

2. The learned Government Advocate appearing for the respondents has produced the proceedings in Proc.No.Ser V(1)/16727/2020 dated 29.4.2024 issued by the first respondent, the relevant portions of which are extracted as hereunder :

"5. As per the Tamil Nadu Pension Rules, 1978, the Old Pension Scheme is applicable for those government employees, who have joined in service before 01.4.2003. Thiru N.Dhandapani had joined as Village Administrative Officer on 19.2.2009 F.N. Since the individual joined duty as



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Village Administrative Officer on 19.2.2009, he is not eligible for payment of monthly pensions i.e. Defined Benefit Pension Scheme under the Tamil Nadu Pension Rules.

6. As per G.O.No.430 Finance Department dated 06.8.2004, the new Contributory Pension Scheme was introduced for those employees recruited on or after 01.4.2003. The individual has not contributed under the Contributory Pension Scheme from entry into service on 19.2.2009 till the actual date of superannuation on 31.3.2014. Hence, in these circumstances, he is not eligible for Contributory Pension Scheme.

7. The contempt case came up for hearing on 26.4.2024 and ordered to pass appropriate orders on or before 30.4.2024. Since the individual has joined duty only on 19.2.2009, he is not eligible for old pension scheme (i.e DCRG, commutation, family pension). The individual has not contributed under the Contributory Pension Scheme from entry into service on 19.2.2009 till the actual date of superannuation on 31.3.2014. Hence, in these circumstances, he is not eligible for contributory pension scheme. Hence, the representation of Thiru N.Dhandapani with respect to pension in the reference 2nd read above is rejected."

3. It is clear from the above that the husband of the petitioner



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was not found eligible under the Old Pension Scheme. It was also found that he had also not contributed under the Contributory Pension Scheme from the date of entry into service till his actual date of superannuation.

4. In so far as the other terminal benefits are concerned, the same were paid and it was recorded in the earlier order passed by this Court on 05.4.2024.

5. The learned counsel for the petitioner submitted that the husband of the petitioner is entitled to payment of gratuity since he satisfied the requirement of more than five years of service.

6. Per contra, the learned Government Advocate appearing for the respondents submitted that the husband of the petitioner was not eligible for gratuity also since had not contributed under the Old Pension Scheme and as a result, the DCRG, which is equivalent to the gratuity is not payable to the husband of the petitioner.

7. Upon hearing the learned counsel on either side, this Court is



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of the considered view that no further orders can be passed in this contempt petition.

8. Accordingly, the above contempt petition is closed. If the petitioner is so aggrieved by the proceedings dated 29.4.2024 issued by the first respondent, it is left open to her to challenge the same in a manner known to law. Consequently, the connected Sub.Application is also closed.

RS

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