



Cont.P.(MD)No.1494 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cont.P.(MD)No.1494 of 2023

in

W.P.(MD)No.29 of 2020

M.Krishnamoorthy

... Petitioner/Petitioner

Vs.

Mr.M.Raja,

The President,

M.M.378, Karambakudi Primari Agri Co-operative Credit Society,
Karambakudi, Pudukottai District.

... Contemnor/4th Respondent

PRAYER : Contempt Petition filed under Section 11 of the Contempt of Court Act, to punish the contemnor/respondent for his willful disobedience of the order made in W.P.(MD)No.29 of 2020 dated 20.12.2020 on the file of this Court.

For Petitioner : Mr.S.C.Herold Singh

For Contemnor : Mr.M.Senthil Ayyanar
Government Advocate (Crl.Side)

ORDER

This Contempt Petition has been filed to punish the respondent for his willful disobedience of the order dated 20.12.2020 in W.P.(MD)No. 29 of 2020.



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2.The case of the prosecution is that the petitioner was appointed as Clerk in the fourth respondent's Society on 12.09.1978 and due to medical reasons, he retired on 31.10.2015 voluntarily. The respondent was the President of the fourth respondent's Society. Their, new monthly salary was fixed as per Government Order in G.O.Ms.No.189, Co-operative Food and Consumer Protection Department, dated 17.11.2009. Challenging the same, the other employees filed W.P. (MD)Nos.9140, 9186 and 14636 of 2014 seeking 97% of DA instead of 84 % of DA and also seeking a direction to direct the respondent herein and others to fix the pay scales from 01.04.2008 and pay the same to the employees from 01.04.2008 as arrears after deducting whatever amount was paid already to the petitioners and the same was allowed on 17.11.2009. Based on that order, the petitioner approached the concerned authorities including the respondent to pay the arrear amount of salary along with revised pension statement and the the same was rejected. Thereby, he filed W.P(MD)No.29 of 2020 before this Court. This Court vide order dated 20.12.2022, directed the respondent to settle the eligible terminal benefits to the petitioner within a period of 12 weeks. But, the



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same was not complied with by the respondent herein. Thereby the petitioner filed this petition.

3. On earlier occasion, this Court issued a statutory notice to the respondent. Pursuant to which, the Special Officer of the Karambakudi Primary Agri Co-operative Credit Society, Karambakudi, Pudukottai District, appeared before this Court and prayed this Court may dispense with his personal appearance before this Court.

4. The learned Government Advocate (Crl.Side) appearing for the State would submit that admittedly, the petitioner voluntarily retired on 31.10.2015. After retirement, the entire benefits amount of Rs.19,90,000/- was settled to the petitioner i.e., Rs.7,64,705/- towards Family Welfare Fund on 31.10.2015 vide Cheque No.321634, Rs.2,93,472/- towards Leave Surrender on 21.05.2016 vide Cheque No. 322577 and Rs.8,61,457/- on 12.11.2015 towards Employees Provident Fund. However, all those facts was not disclosed in this petition. Without disclosing the same, the earlier President of the Society simply rejected the petitioner's claim. Taking advantage of the same, the petitioner filed



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this petition by superposing all those facts. Hence, there is no wilful disobedience on the side of the respondent. Further, now, the Society had become defunct. Since the entire amount was already paid to the petitioner, there is no question of payment of amount.

5. The learned counsel appearing for the petitioner fairly conceded that the amount received by the petitioner was not disclosed in the writ petition.

6.It appears that the petitioner had received the entire amount immediately after his voluntarily retirement and now, he wants to receive the difference of the pay. But, the respondent's Society had become defunct. Hence, there is no wilful disobedience on the side of the respondent.

7.Accordingly, this Contempt Petition is closed.

16.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

Mr.M.Raja,
The President,
M.M.378, Karambakudi Primari Agri Co-operative Credit Society,
Karambakudi,
Pudukottai District.



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M.DHANDAPANI,J.

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