



Cont.P.(MD) No.1546 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cont.P.(MD) No.1546 of 2023

in

W.P.(MD) No.14890 of 2020

R.Elangovan

.. Petitioner/Petitioner

-VS-

A.Madhavamani,
Administrator/President,
T1521, Paingal Primary Agricultural
Co-Operative Credit Societies Limited,
Paingal,
Peravurani - 614 623,
Thanjavur District.

.. Contemnor/3rd Respondent

Prayer: Petition filed Section 11 of the Contempt of Courts Act, 1971 to punish the respondent for his/her willful, deliberate, disobedience of the order of this Court made in W.P.(MD). No. 14890 of 2020 dated 01.02.2023.

For Petitioner : Mr.P.Mani Anandh

For Respondent : Mr.Veerakathiravan,
Additional Advocate General-III,
assisted by Mr.M.Senthil Ayyanar,
Government Advocate (Crl.Side)



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ORDER

This Contempt Petition has been filed punish the respondent for his/her willful, deliberate, disobedience of the order of this Honourable Court made in W.P.(MD). No.14890 of 2020 dated 01.02.2023.

2. The learned counsel for the petitioner would submit that the petitioner filed a Writ Petition in W.P(MD) No.14890 of 2020 seeking direction to the respondents therein to disburse the retirement benefits of the petitioner including his earned leave encashment and gratuity by considering by petitioner's representation, dated 11.09.2020. This Court has directed the respondent Society/condemnor to withhold the surcharge amount with applicable interest and the balance amount was directed to be disbursed in favour of the petitioner, within a period of eight weeks therefrom. However, the balance amount has not been disbursed to the petitioner so far. Thereby, the present contempt petition has been filed.



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3. When the matter is taken up for hearing today, the learned Additional Advocate General appearing for the respondents submits that the surcharge amount can be withhold as rightly passed by this Court. However, the petitioner was placed under suspension and his service is retained and disciplinary proceeding is pending. Unless the disciplinary proceeding is concluded in the manner known to law, he is not entitled for the retirement benefits.

4. In view of the above, there is no willful disobedience in the order passed by this Court in W.P(MD) No.14890 of 2020, vide order dated 01.02.2023. Hence, this petition is closed. However, if the petitioner is come out with the clean hands in the disciplinary proceedings, thereafter, the respondent/condemnor is directed to settle the entire terminal benefits of the petitioner within a period of four weeks from the conclusion of the disciplinary proceedings.



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5. With the above direction, this Contempt Petition is closed.

28.03.2024

Internet: Yes/No

Index: Yes/No

Indu

To

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M.DHANDAPANI, J.

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