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Cont.P.No.3344 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

Cont.P.No.3344 of 2024

R.S.Pandiyan

... Petitioner

Vs

P.Ponmudi,
Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
New Railway Station Road,
Kumbakkonam – 612 001.

... Respondent

Prayer: Contempt Petition filed under Section 11 of Contempt of Courts Act, 1971 praying to initiate contempt proceedings against the respondent and punish for willfully and deliberately disobeying the order of this Court, dated 30.07.2021 in W.P.No.1526 of 2017.

For Petitioner : Mr.V.Pushpalatha

For Respondent : Mr.C.Senapathi
Standing Counsel



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ORDER

This contempt application has been filed for wilful non compliance of the order dated 30.07.2021 passed in W.P.No.1526 of 2017.

2. The operative portion of the order reads as under:

“8. In the result, finding much substance in the argument of the Employee, this Writ Petition is dismissed. The Management is directed to extend all the monetary benefits due to the Employee, if not already given, after adjusting the amount already paid, including the wages paid under Section 17-B of the I.D.Act, 1947, if any, together with continuity of service, consequential and all other benefits, including pension (if eligible and attained superannuation), within a period of three eligible and attained superannuation, within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous petition is closed.”

3. When the matter came up for hearing, it is submitted that the total back wages have been calculated and has been paid as follows:

BACKWAGES PARTICULARS OF PANDIYAN

From dismissal date 18.09.2014 to Reinstatement date 13.03.2024	Rs.26,76,406.64
Employer contribution with interest upto 10.05.2024 for Non-working period.	Rs. 4,98,744.06(-)



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From dismissal date 18.09.2014 to Reinstatement date 13.03.2024	Rs.26,76,406.64
Employee accept to forego 6 Lakhs in Backwages and submitted acceptance letter	Rs.6,00,000 (-)
Balance Backwages to be settled to the employee	Rs.15,77,662.59 Rounded off= Rs.15,77,663

The above amount of Rs.15,77,663/- also settled on 18.12.2024 through RTGS.

4. In view thereof, the learned Standing Counsel appearing on behalf of the respondent/contemnor would submit that the order has been complied with.

5. The learned counsel appearing on behalf of the petitioner would submit that while calculating the back wages, the increment has not been granted and the review benefit has also not been granted.

6. In reply thereof, the learned Standing Counsel appearing on behalf of the respondent would submit that the workman was already undergoing a punishment of increment cut with cumulative effect for a period of 12 years and yet another punishment of increment cut with cumulative effect for 3

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years and 6 months. When there is currency of punishment, the workman is not entitled for the review benefit and as well as the next increment.

7. In this contempt petition, the said disputed claim cannot be decided. This Court is only recording that the back wages as calculated by the respondent has been settled and therefore there is no willful disobedience of the order. If the workman is aggrieved on the quantum of back wages and non-grant of review benefits etc., it will be open for him to make a representation and to take up the matter in the manner known to law.

8. In view thereof, this contempt petition is closed. No costs.

24.01.2025

Neutral Citation: Yes/No
nsl



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D.BHARATHA CHAKRAVARTHY, J.

nsI

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