



Cont.P.(MD)No.1791 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 14.11.2025

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

Cont.P.(MD)No.1791 of 2025

in

W.P.(MD)No.20924 of 2018

K.Kalaichamy

... Petitioner

versus

1. Thiru.S.P.Kandasamy,
The General Manager,
Tamilnadu State Transport Corporation
(Kumbakonam) Ltd.,
Karaikudi Region,
Karaikudi.

2. Tmt.Bhama,
The Administrator,
Tamil Nadu State Transport Employees'
Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai,
Chennai – 2.

... Respondents

Contempt Petition filed under Section 11 of the Contempt of Courts Act 1971, to punish the Contemnors/respondents for willfully disobeying and not complying with the order of this Court dated 25.09.2024 in W.P. (MD)No.20924 of 2018.



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For Petitioner : Mr.S.Arunachalam
For R1 : Mr.K.Ramaiah,
Standing Counsel
For R2 : Mr.S.C.Herold Singh

ORDER

The petitioner, an erstwhile employee of the Transport Corporation, was inducted in service in the year 1985. Thereafter, he was dismissed from service on 20.09.1995 on the allegation that he was unauthorisedly absent for certain period. Aggrieved over the same, an Industrial Dispute was raised before the Labour Court, Madurai, in I.D.No.125 of 1997 and the Labour Court, by its order dated 05.01.2008, having found that the petitioner was dismissed from service without conducting an enquiry, allowed the industrial dispute with a direction to the Management to re-instate the petitioner into service with continuity of service. Pursuant to the award passed by the Labour Court, the petitioner was reinstated into service and he was also allowed to retire from service on 30.04.2014, however, he was not provided with any retirement benefits. Therefore, the petitioner filed a claim petition before



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the Labour Court, Madurai, in C.P.No.109 of 2008 and the same was allowed, by order dated 28.02.2011. Even after the order of the Labour Court in C.P.No.109 of 2008, the Management has not settled the amount due to the petitioner.

2. Therefore, the petitioner was constrained to file a writ petition in W.P.(MD)No.12015 of 2014 to implement the order passed by the Labour Court, Madurai, in C.P.No.109 of 2008 dated 28.02.2011 and another writ petition in W.P.(MD)No.20924 of 2018 seeking retirement benefits. Both the writ petitions, filed in the year 2014 and 2018 respectively, were disposed of by order dated 25.09.2024 directing the respondent Management to settle the amount due to the petitioner within a period of four weeks. However, the Management has not paid the amount due to the petitioner. Therefore, this contempt petition has been filed by the petitioner. Even after the receipt of notice in the contempt petition, the respondent Management has not paid the amount due to the petitioner. Therefore, this Court, by its order dated 08.07.2025, directed the Registry to issue Statutory Notice to the respondents.



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3. It appears that on 05.08.2025, the 2nd respondent has appeared before this Court and stated that as against the order passed in W.P. (MD)No.20924 of 2018 dated 25.09.2024, the Management has preferred a writ appeal in W.A.(MD)Nos.1930 and 1936 of 2025 and the same were dismissed by a Division Bench of this Court, by Judgment dated 15.07.2025.

4. The Division Bench, while dismissing the writ appeals filed by the Management, has permitted the Management to settle the amount due to the petitioner, within a period of twelve weeks. This twelve weeks' time expired on 07.10.2025. Even on that day, the respondents have not settled the amount due to the petitioner. Thereafter, the contempt petition was taken up for hearing on 05.11.2025. On that day, the contemnors have not appeared. When this Court was about to issue a Non-Bailable Warrant for their appearance, an undertaking affidavit has been filed by the 1st respondent that they would settle the amount due to the petitioner on or before 12.11.2025. Recording the undertaking affidavit, this case was adjourned today. Today, it is reported that the amount has been settled to the petitioner on 11.11.2025.



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5. The petitioner, an erstwhile employee, was allowed to retire from service on 30.04.2014. However, the retirement benefits due to the petitioner were not settled. Therefore, the petitioner was constrained to approach the Labour Court, Madurai, in C.P.No.109 of 2008. The Labour Court, by order dated 28.02.2011, allowed the claim petition. Even thereafter, the Management has not implemented the order passed by the Labour Court, Madurai, in C.P.No.109 of 2008. Therefore, the petitioner was constrained to file W.P.(MD)Nos.12015 of 2014 and 20924 of 2018 before this Court. This Court, by order dated 25.09.2024, disposed of the writ petitions as under:

“10.In this case, the Labour Court, while passing the award has stated that the award has to be implemented within a period of two months from the date of operation. Therefore, it has to be presumed that the award has come into force from the month of March 2008. Therefore, this Court is of the view that this petitioner is entitled for salary with effect from March 2008 till November 2011.

11. The petitioner was allowed to retire on 30.04.2014 by the respondent Management and therefore, the petitioner is also entitled for the retirement benefits.



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The petitioner has already served for a period of 6 years, 9 months, 9 days. More over, the respondent Management has not preferred any appeal as against that order and therefore, the award passed in ID No.125 of 1997, dated 05.01.2008 becomes final.

12. In view of the foregoing discussions, this Court is of the view that the petitioner is entitled for continuity of service and terminal benefits. Since the petitioner has not filed any computation application after the period of November 2008, the respondent shall calculate the benefits for a minimum period of service, which is eligible for pension. Considering the submission made by the learned counsel for the petitioner that the petitioner is in death bed and considering the fact that these writ petitions are pending from the year 2014 and 2018 respectively, these writ petitions are allowed with a direction to the Management to calculate and pay the retirement benefits at the rate of 6% interest and the appropriate back-wages to this petitioner from March 2008 till November 2011, within a period of four weeks from the date of receipt of a copy of this order.”

Even after the order of this Court, the Management has not paid the amount due to the petitioner. However, they have filed writ appeals in W.A.(MD)Nos.1930 and 1936 of 2025 and the Division Bench of this



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Court, by Judgment dated 15.07.2025, dismissed the writ appeals with a direction to settle the amount within a stipulated time. Even thereafter, the direction of the Division Bench of this Court has not been complied with by the Management. Therefore, the petitioner was constrained to file this contempt petition.

6. The only reasoning given by the Management is that due to financial crisis, they have not settled the amount due to the petitioner. Though the Management claims that they are under financial crisis, they have not reduced any expenses and none of the existing staff have reduced their salary also. However, they are taking the plea of financial crisis only on the retired employees. They have preferred to file writ appeals as against the order of the Writ Court, without even challenging the award passed in I.D.No.125 of 1997 and the order passed in C.P.No. 109 of 2008.

7. When the award passed in I.D.No.125 of 1997 and the order passed in C.P.No.109 of 2008 have not been challenged, there is no scope in the writ appeals. Since the Management is having sufficient money,



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they have preferred writ appeals and prosecuted the issue further and failed to pay the amount even after the order of the Division Bench of this Court. The attitude of the Management has to be deprecated and the litigation expenses suffered by the petitioner needs to be addressed.

7. Accordingly, this Contempt Petition is closed with a direction to the respondents/contemnors to pay a sum of Rs.30,000/- (Rupees thirty thousand) as damages to the petitioner, for the litigation expenses suffered by him, for filing the industrial dispute, writ petitions and contempt petition.

14.11.2025

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NCC : Yes / No.

Index : Yes . No.

Internet: Yes / No.

To

1. Thiru.S.P.Kandasamy,
The General Manager,
Tamilnadu State Transport Corporation
(Kumbakonam) Ltd.,
Karaikudi Region,
Karaikudi.

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2. Tmt.Bhama,
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B.PUGALENDHI, J.

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