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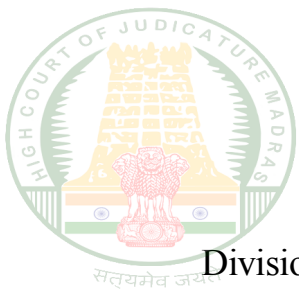
WEB CO MUMMINENI SUDHEER KUMAR,J.

This contempt petition has been filed alleging violation of the order dated 12.07.2019 passed in W.P.No.10823 of 2009. By the said order, this Court allowed the writ petition and declared that the petitioner is entitled for notional reinstatement with all attendant benefits and other benefits and the respondents are further directed to pay the amounts to the petitioner within a period of twelve weeks from the date of receipt of a copy of the said order.

2. In response to the notice issued by this Court, the respondents filed counter affidavit and additional counter affidavit stating that they have paid an amount of Rs.2,72,374/- to the petitioner after deducting an amount of Rs.18,88,485/- which is due and payable to the respondent Society by the petitioner, being an amount due, under a surcharge order that was passed under Section 81 of Tamil Nadu Co-operative Societies Act, 1983 (in short 'Act 1983').

3. However, Mr.C.Prakasam, learned counsel for the petitioner contended that the amounts due and payable to the petitioner towards Provident fund and Gratuity cannot be attached or recovered in terms of Section 78 & 79 of Act, 1983. In response to the same, Mr.S.Ravikumar, learned Special Government Pleader, brought to the notice of this Court a decision of the learned

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Division Bench of this Court in W.A.No.2362 of 2019 wherein, the learned Division Bench held that embargo against attachment of Provident fund and Gratuity under Section 78 & 79 of Act, 1983 is only in respect of Provident fund and Gratuity that is being maintained by the Society but not in respect of the amounts payable to Petitioner.

4. However, by the said judgement, the learned Division Bench, having taken note of contrary view taken by another learned Division Bench of this Court, referred the matter to the Full Bench by an order dated 13.04.2022. The said reference has not yet been answered by the Full Bench with an authoritative pronouncement. Unless, the said decision is rendered and controversy is resolved, whether the petitioner is entitled for release of Provident Fund and Gratuity fund amount of Rs.6,12,666/- and Rs.4,91,321/- cannot be concluded.

5. In the circumstances, Registry is directed to list this contempt petition after the reference is answered by the learned Full Bench. The learned counsel on either side are granted liberty to make a mention after the learned Full Bench decides the matter finally.

12.11.2024

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