

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.15457 of 2015 and
M.P.No.1 of 2015

P.K.Panchaksharam

...Petitioner

vs.

- 1.The Chairman cum Managing Director,
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
No.144, Anna Salai, Chennai -2.
- 2.The Secretary,
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
No.144, Anna Salai, Chennai -2.
- 3.The Superintending Engineer (O & M)
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
Kancheepuram Electricity Distribution Circle,
Kancheepuram.

...Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus, directing the respondents to disburse the petitioner's retirement benefits like Gratuity, Special Provident Fund, Encashment of Earned Leave and Encashment of Unearned Leave on Private Affairs.

For Petitioner : Mr.C.Prakasam
For Respondents : Ms.R.Varalakshmi

O R D E R

With the consent of both sides, the writ petition is taken up for final disposal.

2. The petitioner was appointed as Electrician in the Tamil Nadu Electricity Board on 08.08.1979. Thereafter, he was promoted as Assistant Engineer in the year 1986 and further promoted as Assistant Executive Engineer in the year 1999. In 2007, he was promoted as Executive Engineer.

3. While he was working as Executive Engineer, during November 2010, he was arrested under the provisions of Prevention of Corruption Act. The petitioner reached the age of superannuation on 30.06.2013.

4. The second respondent passed an order on 24.06.2013 not permitting the petitioner to retire from service, due to the pendency of the criminal case under the Prevention of Corruption Act. In these circumstances, the petitioner has filed this writ petition seeking for a direction to the respondents to disburse the retirement benefits like Gratuity, Special Provident Fund, Encashment of Earned Leave and Encashment of Unearned Leave on Private Affairs.

5. At the time of hearing, the learned counsel for the petitioner would fairly submit that in the event of conviction and dismissal from service, the petitioner may not get gratuity in the facts and circumstances of the case, but he cannot be deprived of Encashment of Earned Leave and Encashment of Unearned Leave on Private Affairs as those are his properties. As far as Special Provident Fund is concerned, the learned counsel is not able to state as to whether the petitioner has contributed towards the same. According to him, if there is any contribution by the petitioner towards Special Provident Fund, the same cannot also be denied, even if he is dismissed.

6. I am in agreement with the submissions made by the learned counsel for the petitioner. As rightly contended by the learned counsel for the petitioner, payment of Special Provident Fund, Encashment of Earned Leave and Encashment of Unearned Leave on Private Affairs are concerned, the department cannot withhold the same, as those are the properties of the workman.

7. In view of the same, a direction is issued to the respondents to disburse Encashment of Earned Leave and Encashment of Unearned Leave on Private Affairs. As far as Special Provident Fund is concerned, the respondents are directed to refund the same, if there is any contribution made by the petitioner. If petitioner has contributed towards other terminal benefits, the extent to the contribution made by the petitioner shall also be paid. The respondents are directed to disburse the aforesaid amount, within a period of six weeks from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

svki

s/d-
Assistant Registrar (CO)

True Copy

Sub-Assistant Registrar

To

1.The Chairman cum Managing Director,
Tamil Nadu Generation and Electricity Distribution Corporation
Ltd.,
Tamil Nadu Electricity Board,
No.144, Anna Salai, Chennai -2.

2.The Secretary,
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
No.144, Anna Salai, Chennai -2.

3.The Superintending Engineer (O & M)
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd.,
Tamil Nadu Electricity Board,
Kancheepuram Electricity Distribution Circle,
Kancheepuram.

+ 1 cc to Mr.R.Varadalakshmi, Advocate SR 26320

+ 1 cc to Mr.C.Prakasam, Advocate SR 26231

sai(co)
prk11/6

सत्यमेव जयते

WEB COPY

W.P.No. 15457 of 2015