

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2016

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.A.No.207 of 2016
and
C.M.P.No.2992 of 2016

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.

.. Appellants

Vs.

P.K.Panchaksharam

.. Respondent

This writ appeal is preferred under Clause 15 of Letters Patent against the order dated 02.06.2015 made in W.P.No.15457 of 2015. Writ of Mandamus directing the Respondents to dispose the petitioner's retirement benefits like Gratuity, Special Provident Fund, Encashment of Banned Leave and Encashment of Banned Leave and Encashment of Unearned Leave on Private Affairs.

For Appellants : Ms.R.Varalakshmi

For Respondent : Mr.C.Prakasam

JUDGMENT

(Judgment of the Court was made by SATISH K. AGNIHOTRI, J.)

The instant intra-court appeal arises from the order dated 2nd June, 2015 made in W.P.No.15457 of 2015.

2 The writ petitioner, who is the respondent herein, filed the writ petition, seeking direction to the appellants herein to disburse his retirement benefits, such as gratuity, special provident fund, encashment of earned leave and unearned leave on private affairs.

3 The respondent herein working as Electrician in the Electricity Board was to retire on attaining the age of superannuation on 30th June, 2013. However, he was not permitted to do so on account of pendency of the criminal case under the provisions of the Prevention of Corruption Act, 1988.

4 The learned Single Judge, considering all aspects of the matter, held that the petitioner was having earned leave and unearned leave on private affairs before initiation of the case and as such, he is entitled to encashment of earned leave and unearned leave on private affairs. The claim of gratuity was given up by the employee / writ petitioner on the ground that in the event of conviction and dismissal of service, the writ petitioner may not be entitled to get gratuity. The special provident fund was also not granted as the writ petitioner failed to establish any contribution made by him. While disposing of the writ petition, a direction was made to the appellants herein to disburse encashment of earned leave and encashment of unearned leave on private affairs. In respect of special provident fund, it was held that if any contribution was made by the writ petitioner, the same can be paid to the petitioner.

5 We do not find any error, illegality or infirmity in the order sought to be impugned in this writ appeal preferred by the Tamil Nadu Generation and Electricity Distribution Corporation Ltd., warranting interference. Thus, the writ appeal stands dismissed. No costs. Consequently connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vvk

To

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

+ 1 cc to Mrs. R. Varalakshmi, Advocate Sr.13051
+ 1 cc to Mr.C. Prakasam, Advocate Sr.12792

W.A.No.207 of 2016

LRS (CO)
Eu 04.03.16



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