

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 23.04.2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.10091/2018

P.T.Varadarajulu

... Petitioner

Versus

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 Superintending Engineer,
Tamil Nadu Generation and Electricity
Distribution Corporation Limited,
Tamil Nadu Electricity Board,
Vellore Electricity Distribution Circle,
Gandhi Nagar, Chennai - 40

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, to direct the respondents to disburse the petitioner's retirement benefits like Encashment of Earned Leave and Encashment of Unearned Leave on Private Affairs to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondents: Mr.Fakkir Mohideen

O R D E R

This writ petition has been filed by the petitioner seeking for a writ of mandamus, to direct the respondents to disburse the petitioner's retirement benefits like Encashment of Earned Leave and Encashment of Unearned Leave on Private Affairs to him.

2. The petitioner would state that he was appointed as Filter Operator in the Tamil Nadu Electricity Board in the year 1979 and subsequently, promoted as Junior Engineer (Grade - II) in the year 1989 and subsequently in the year 1995, he has been promoted as Junior Engineer Grade I. While he was discharging his duties as Junior Engineer (Grade - I) on 27.12.2010, he was

arrested by the Vigilance and Anti Corruption Police and got suspended from service on 27.12.2010. The learned counsel appearing for the petitioner would further submit that the petitioner was not allowed to retire from service, though he attained superannuation on 31.05.2013 and no retirement benefits, has also been disbursed in this regard to him, though, he submitted a several representation and finally on 02.03.2018 to the respondents. Since no response is forthcoming, the petitioner came forward to file this writ petition.

3. The grievance of the petitioner is that though he was not allowed to retire as he was under the suspension, but having attained superannuation, he is entitled for the encashment of Earned and Unearned Leave on Private Affairs, notwithstanding the pendency of such disciplinary proceedings against him. Hence, this Court may direct the respondents to disburse the said benefits, more so, in view of the fact that this Court, in similar facts and circumstances, vide order dated 29.05.2017 made in WP No.2017, has held as follows :-

"3. Admittedly when the petitioner was serving as District Adi Dravidar and Tribal welfare Officer at Villupuram, he had suffered an order of suspension on 22.10.2013 on the basis of registration of a criminal case by the Vigilance and Anticorruption Department and he has also arrested and subsequently released on bail. In view of the same, he was placed under suspension by an order dated 22.10.2013. Now, the grievance of the petitioner is that he is not allowed to retire from service, although he reached the age of superannuation on 31.10.2017, on the ground of pending criminal case. Subsequently, the petitioner has given a representation on 10.10.2017 to the 2nd respondent, making a request to disburse his retirement benefits, namely, his contribution towards General Provident Fund, namely, his contribution towards General Provident Fund, Special Provident Fund, Encashment of earned leave and Encashment of unearned leave.

4. In view of the above, the writ petition is disposed of by directing the respondents to disburse the retirement benefits of the petitioner, namely, his contribution towards GPF, Special Provident Fund, Encashment of Earned leave and Encashment of unearned leave to the petitioner within a period of four weeks from the date of receipt of copy of this order."

4. The learned counsel appearing for the respondents would submit that the above cited order squarely covers the case of the petitioner herein, hence the authority be directed to do the needful, in this regard.

5. Considering the above facts and circumstances and submissions made, especially the settled position of law in this regard vide the decision quoted supra, this Court disposes of this writ petition at the admission stage on consent of the parties, with a direction to the respondents 1 & 2 to release retirement benefits of unearned leave and earned leave on private affairs as admissible to the petitioner, notwithstanding the pendency of the disciplinary proceedings and suspension of the petitioner, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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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 Superintending Engineer,
Tamil Nadu Generation and Electricity
Distribution Corporation Limited,
Tamil Nadu Electricity Board,
Vellore Electricity Distribution Circle,
Gandhi Nagar, Chennai - 40

+1cc to Mr.C.Prakasam, Advocate sr.no.30491

W.P.No.10091 of 2018

rsy(co)
nr 16/05/2018