

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.7.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.A.No.1510 of 2018
and
C.M.P.No.12100 of 2018

- 1 The Chairman cum Managing Director
Tamilnadu Generation and Electricity
Distribution Corporation Ltd.
Tamil Nadu Electricity Board
No.144 Anna Salai Chennai-600 002.
- 2 The Superintending Engineer (O&M)
Tamilnadu Generation and Electricity
Distribution Corporation Ltd.
Tamil Nadu Electricity Board,
Chengalpet Electricity Distribution Circle
Chengalpet Kancheepuram District. Appellants/Respondents

Versus

N.Venkatesan

Respondent/ petitioner

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 27.2.2018 passed in W.P.No.4271 of 2018 on the file of this court.

WP.NO.4271 of 2018:

petition filed under art 226 of constitution of writ of mandamus, directing the respondents to disburse the petitioners retirement benefits like general provident fund, special provident fund, encashment of earned leave and encashment of unearned leave on private affairs.

For appellant : Mr.P.R.Dhilipkumar

For respondent : Mr.C.Prakasam

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellants and Mr.C.Prakasam, learned counsel, who takes notice on behalf of the respondent.

2. The writ appeal has been filed by the Tamil Nadu Electricity Board challenging the order passed by the learned Single Judge in allowing the writ petition filed by the respondent herein and thereby directing the appellants to consider the representation of the respondent herein for disbursement of his contribution towards the General Provident Fund, Special Provident Fund as well as for encashment of earned leave and encashment of unearned leave on private affairs and pass appropriate orders within a stipulated period.

3. It appears that the first respondent herein, while serving as Junior Engineer Grade-I in the appellant-TANGEDCO suffered a criminal case for having demanded bribe of Rs.1300/- for effecting an electricity service connection and as a consequence, he was placed under suspension and thereafter, though he was due to retire on 30.6.2016, he was not permitted to retire from service vide order dated 27.6.2016 passed by the second appellant and thereby depriving of the disbursement of the above benefits to him.

4. The learned Single Judge has observed in para 4 and 5 of the order as under:-

"The issue raised in this writ petition has already been settled by the Honourable Division Bench of this Court in W.A.No.207 of 2016 by order dated 26.2.2016, holding as follows:-

"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 from 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. In the light of the above, the respondents are directed to consider the representation of the petitioner herein for disbursement of his contribution towards the General Provident Fund, Special Provident Fund as well as for encashment of earned leave and encashment of unearned leave on private affairs and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly..."

5. The above observation made by the learned Single Judge itself is self-explanatory and therefore, we find no scope for interference with the same. Accordingly, the writ appeal is dismissed. No costs. The connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

ssk.

To:

- 1 The Chairman cum Managing Director
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Chengalpet Kancheepuram District.

+1 CC TO MR.P.R.DILIPKUMAR Advocate SR.NO. 48994
+1 CC TO MR.C.PRAKASAM Advocate SR.NO. 48804

W.A.No.1510 of 2018

GJ(CO)
ASK(24/08/2018)