

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.9.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.A.No.2011 of 2018
and
C.M.P.No.15932 of 2018

1 The Director of Town Panchayat
Kuralagam Chennai-600 108

2 The Assistant Director of
Town Panchayat
Salem District Salem ... Appellants

Versus

S.Perumal ... Respondent

Prayer: Writ Appeal filed filed under Clause 15 of the Letters Patent against the order dated 5.9.2014 passed in W.P.No.21571 of 2014 on the file of this court.

Prayer in W.P.No.21571 of 2014:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to disburse the terminal benefits such as PF Leave Salary Gratuity and other terminal benefits on account of his attainment of Superannuation as on 30.6.2010.

For appellant : Mr.R.Govindasamy,
Special Government Pleader

JUDGMENT

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

Heard the learned Special Government Pleader appearing for the appellants for some time.

2. The writ appeal has been filed challenging the order passed by the learned Single Judge directing the appellants to pay the gratuity and leave encashment salary to the petitioner, despite the fact that he was placed under suspension by then, by following the precedents.

3. It is sought to be contended on behalf of the appellants that the settlement of the benefits claimed by the writ petitioner was opposed on the ground that the departmental proceedings might be initiated.

4. However, now, it is brought to our notice that the criminal case filed against the respondent herein, around which the entire issue revolves, ended in acquittal. In that view of the matter, there may not be any impediment for the appellants in settling the entire benefits in favour of the respondent including the leave salary and cash benefits like gratuity, pension, provident fund etc. Hence, the writ appeal filed by the State is dismissed. No costs. The connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

ssk.

To:

- 1 The Director of Town Panchayat
Kuralagam Chennai-600 108
- 2 The Assistant Director of
Town Panchayat
Salem District Salem.

+1cc to Mr.Sai & Bharath, Advocate sr.67280

+1cc to the Government Pleader Sr.67819

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