

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.16198 of 2019

A.Venkatesan

... Petitioner

Vs.

The Superintending Engineer,
CEDC/South/K.K.Nagar,
Tamil Nadu Electricity Board,
Chennai - 600 078.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to disburse the petitioner's retirement benefits like Gratuity, Encashment of Earned Leave and Encashment of Un Earned Leave on private affairs to the petitioner.

(Prayer amended as per order dated 01.10.2019 in W.M.P.No.19312 of 2019 in W.P.No.16198 of 2019 by MDIJ)

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.P.R.Dilip Kumar

O R D E R

The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus directing the respondent to disburse the petitioner's retirement benefits like Gratuity, Encashment of Earned Leave and Encashment of Un Earned Leave on private affairs to the petitioner.

2.Heard the arguments advanced on either side.

3.The case of the petitioner is that while the petitioner was working as Junior Engineer Grade - I in the Electricity Board, he was trapped by the Vigilance and Anti Corruption Department and a case was registered against him under the Prevention of Corruption Act. Hence, vide order dated 11.06.2010, the petitioner was placed under suspension.

Challenging the suspension order, the petitioner filed W.P.No.13699 of 2018 before this Court and this Court vide order dated 25.02.2019, allowed the writ petition and quashed the order impugned therein. In the said writ petition, this Court also observed that there is no bar for the departmental disciplinary proceedings to proceed with the enquiry proceedings and conclude the same and take decision independently on merits and based on the documents available with the department.

4.It is the further case of the petitioner that the petitioner reached the age of superannuation on 31.08.2018, however, he was not permitted to retire from service. Further, the petitioner's retirement benefits like Gratuity, Encashment of Earned Leave and Encashment of Un Earned Leave on private affairs were also not disbursed to him. In this regard, the petitioner has made representation dated 18.03.2019 to the respondent, however, the same has not yet been considered. Hence, the petitioner has filed this writ petition.

5.It is well settled that even if the disciplinary proceedings are pending against the petitioner, the petitioner is entitled for provisional pension and admitted benefits. In the present case, the petitioner is seeking benefits like Gratuity, Encashment of Earned Leave and Encashment of Un Earned Leave on private affairs, for which, he is entitled.

6.Hence, this Court issues direction to the respondent to settle the retirement benefits like Gratuity, Encashment of Earned Leave and Encashment of Un Earned Leave on private affairs, due to the petitioner, as expeditiously as possible.

7.The writ petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

The Superintending Engineer,
CEDC/South/K.K.Nagar,
Tamil Nadu Electricity Board,
Chennai - 600 078.

+1cc to Mr.P.R.Dilip Kumar, Advocate SR.89169/19
+1cc to Mr.C.Prakasam, Advocate SR.88829

W.P.No.16198 of 2019

VGII (CO)
CB(29/11/2019)



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