IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2019

CORAM :

The Hon'ble Mr.A.P.SAHI, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SUBRAMONIUM PRASAD

W.A.No.4022 of 2019
and
C.M.P.No.25217 of 2019

1. State of Tamil Nadu,
   Rep.by its Secretary,
   Revenue Department,
   Fort St.George,
   Chennai-600 009

2. The District Collector,
   Thiruvallur District.

.. Appellants

-vs-

1.K.V.Vanamalidharan

2.The Principal Accountant General(A&E),
Teynampet, Chennai-600 018 .. Respondent

Appeal filed under Clause 15 of the Letters Patent against the order dated 31.10.2018 passed in W.P.No.28804 of 2018 on the file of this Court.

Prayer in W.P.No.28804/2018:

Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records of the second respondent dated 25.9.2018 quash the same and consequently direct the respondents to settle the claim of the petitioner for General Provident Fund Special Provident Fund encashment of Earned Leave encashment of Un-Earned Leave standing to the credit of the petitioner as on 31.8.2018.

For Appellants : Mr.N.Srinivasan,A.G.P.

JUDGMENT

(Judgment of the Court was delivered by The Hon'ble Chief Justice)

We have heard Mr.N.Srinivasan, learned Additional Government Pleader for the appellants.

2.This appeal arises out of the claim of terminal benefits, by a dismissed employee. The learned Single Judge, relying on the judgment of the Division Bench in the case of Chairman cum Managing Director, Tamil Nadu Generation and Electricity Distribution Corporation Ltd., Tamil Nadu Electricity Board and another vs. M.Venkatesan [W.A.No.1510 of 2018], dated 20.07.2018, has issued directions for releasing the payments to the respondent/writ petitioner.

3.We have perused the Division Bench judgment in the case of the Chairman cum Managing Director (referred supra) and we are further fortified by adopting the said view in our own judgment in the case of the Chief Secretary to Government, Public (Special-A) Department vs. M.Uthiraswamy, decided on 22.11.2019 in W.A.No.4018 of 2019. Accordingly, following the ratio of the said judgments, the terminal benefits in so far as they are admissible, on dismissal, include the disbursement of encashment of Earned Leave as well as other such emoluments. We therefore find no justification to entertain this Appeal.

The Writ Appeal is, accordingly, consigned to records with the said observations. No costs. Connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

msk

To

1. State of Tamil Nadu,
   Rep.by its Secretary,
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2. The District Collector,
   Thiruvallur District.

3.The Principal Accountant General(A&E),
Teynampet, Chennai-600 018

+1 CC to The Spl. Govt. Pleader sr 98003.

W.A.No.4022 of 2019

RP(CO)
SP(29/11/2019)