



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

WP(MD).No.188 of 2019

B. Rajendran : Petitioner

Vs.

1.The Chairman,
Tamil Nadu Electricity Board,
No.144, Anna salai,
NPKRR Maligai,
Chennai - 600 002.

2.The Chief Engineer (Personal),
TANGEDCO,
No.144, Anna salai,
NPKRR Maligai,
Chennai - 600 002.

3.The Chief Engineer (Distribution),
TANGEDCO,
Madurai Region,
K.Pudur, Madurai District - 600 007.

4.The Superintending Engineer,
Dindigul Electricity Distribution Circle,
TANGEDCO,
Meenachinaicken Patti Post,
Dindigul District. 624 002

: Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India for issuing a Writ of Mandamus directing the respondent No.4 to provide Encashment of earned leave and encashment of Unearned Leave on Private Affairs and Gratuity to the petitioner by considering the representation, dated 21.12.2018 made by the petitioner in the light of order in WP(MD).No.139 of 2016 dated 22.08.2017 and order in WP(MD).No.6807 of 2018 dated 23.03.2018 within the time stipulated by this Court.

For Petitioner
For Respondents

: Mr.I. Pinaygash
: Mr. S. Dhayalan
Standing Counsel



ORDER

This Writ Petition has been filed for issuing a direction to the respondent No.4 to provide encashment of Earned Leave and encashment of Unearned Leave on Private Affairs, Gratuity to the petitioner by considering his representation, dated 21.12.2018 made by the petitioner in the light of order made in WP(MD).No.139 of 2016, dated 22.08.2017 and order in WP(MD).No.6807 of 2018, within the time frame to be fixed by this Court.

2. According to the petitioner, he was suspended from service on 22.10.2009 and the said suspension was revoked. Since the Criminal case is pending against the petitioner in Special Case No..1 of 2014, on the file of the Chief Judicial Magistrate Dindigul, he was not permitted to retired from service. Hence, he has made an application on 20.06.2016, seeking all the retirement benefits, but, the same has not been considered so far.

3. The learned counsel appearing for the petitioner submitted that the petitioner is entitled to Unearned Leave on Private Affairs, Gratuity, General Provident Fund, Special Provident Fund and Family Benefit Fund. But, the respondent - Corporation has not settled the amount so far. Further, the learned counsel appearing for the petitioner relying upon the order passed by this Court in WA(MD).No.207 of 2016, dated 26.02.2016, wherein, this Court has confirmed the order of the learned Single judge by directing the respondent to disburse the encashment of Earned Leave and encashment of Unearned Leave on Private Affairs and hence, the petitioner is entitled to the said amount. He has also relied on Judgment of the learned Single Judge of this Court passed in WP(MD).No.139 of 2016 dated 22.08.2017, wherein this Court has held that respondent is directed to disburse the personal contribution to the writ petitioner, including Provident Fund, Special Provident Fund, Encashment of Earned Leave and Encashment of Unearned Leave as early as possible, and yet another Division Bench of this Court in WA(MD).No.2767 of 2018, dated 17.12.2018, this Court has confirmed the Judgment of the learned Single Judge of this Court by directing the appellant by having entitled to the encashment of Earned Leave and Unearned Leave on Private Affairs. Therefore, in the present case on hand, the petitioner has sought the relief for payment of Earned Leave and Encashment of Unearned Leave on Private Affairs and Special Provident Fund if any contribution made by the petitioner.

4. The respondents have filed a detailed counter affidavit denying all the averments made by the petitioner.

5. The learned Standing Counsel appearing for the respondents submitted before this Court that the petitioner is claiming the benefits contrary to the statutory provisions and prayed for dismissal of this Writ Petition.



6. I have heard the learned counsel appearing on either side and perused the materials available on record.

7. Considering the submissions made by the learned counsel on either side and also following the aforesaid Judgments as cited Supra, this Court is inclined to direct the respondents to pay the Special Provident Fund, Encashment of Earned Leave and Encashment of Unearned Leave on Private Affairs, to the petitioner, as early as possible, in any event, not later than 12 weeks from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

trp

To

- 1.The Chairman,
Tamil Nadu Electricity Board,
No.144, Anna salai, NPKRR Maligai,
Chennai - 600 002.
- 2.The Chief Engineer (Personal),
TANGEDCO, No.144, Anna salai,
NPKRR Maligai, Chennai - 600 002.
- 3.The Chief Engineer (Distribution),
TANGEDCO, Madurai Region,
K.Pudur, Madurai Distrit - 600 007.
- 4.The Superintending Engineer,
Dindigul Electricity Distribution Circle,
TANGEDCO, Meenachinaicken Patti Post,
Dindigul District.

+1 CC to M/s.I.PINAYGASH, Advocate (SR-74445[F] dated 10/07/2019)

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MS/17.09.2019/3P.6C