

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.No.3972 of 2020

S.P.Senthil Nathan

... Petitioner

-Vs-

1. The Chairman Cum Managing Director,
Tamil Nadu Generation and Distribution Corporation Limited,
Tamil Nadu Electricity Board, NPKRR Maligai,
No.144, Annasalai, Chennai 600 002.
 2. The Secretary,
Tamil Nadu Generation and Distribution Corporation Limited,
Tamil Nadu Electricity Board, NPKRR Maligai,
No.144, Annasalai, Chennai 600 002.
 3. The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Thiruvannamalai Electricity Distribution Circle,
TNEB, Vengikkal,
Thiruvannamalai District - 606 604
- ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to consider the representation of the petitioner dated 09.01.2020 and directed them to disburse the retirement benefits such as the General Provident Fund, Special Provident Fund, Family Security Fund, Encashment of Earned Leave and Encashment of Unearned Leave etc.,

For Petitioner : Mr.Raja Sekhar
For Respondents : Mr.M.Fakkir Mohideen,
Standing Counsel

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the 1st respondent to consider the representation made by the petitioner on 09.01.2020 and to disburse the retirement benefits to the petitioner which includes the General Provident Fund, Special Provident Fund,

Family Security Fund, Encashment of Earned leave and Unearned leave.

2. The case of the petitioner is that he was working as a Assistant Executive Engineer in the respondent corporation. An FIR came to be registered against the petitioner in Crime No.4 of 2009, for an offence under the Prevention of Corruption Act. The FIR was investigated and ultimately, a final report came to be filed before the Competent Court. After the completion of the trial, the trial Court found that the prosecution has not proved the case against the petitioner and by a judgement dated 31.10.2017, the petitioner was acquitted from all charges. As against this judgment, an Appeal has been filed by the State and it is now pending before this Court in Crl.A.No.721 of 2018.

3. The petitioner attained superannuation on 30.06.2019. The grievance of the petitioner is that till date the retirement benefits and other terminal benefits have not been settled to him. Therefore, the petitioner had made a representation dated 09.01.2020 to the respondents to settle all these benefits. Since the same was not considered by the respondents, the present writ petition has been filed before this Court.

4. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.

5. Taking into consideration the facts and circumstances of the case and the limited relief sought for by the petitioner, there shall be a direction to the 3rd respondent to consider the representation made by the petitioner on 09.01.2020. Insofar as the Provident Fund, Family Security Fund, Encashment of earned leave and unearned leave is concerned, the same shall be released to the petitioner in line with the judgment of the Division Bench of this Court in [The Secretary to Government Vs. K.Palaniyandi] reported in 2019 5 CTC 19. Appropriate orders in this regard shall be passed, within a period of four weeks from the date of receipt of copy of this order. Insofar as the pension benefits are concerned, the 3rd respondent shall consider the representation made by the petitioner on 19.01.2020 and deal with the same in accordance with law and pass appropriate orders, within a period of six weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the 3rd respondent along with copy of the representation dated 09.01.2020 and also a copy of this order. A copy of the representation shall also be marked to the respondents 1 and 2.

6. This writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

rka

To

1. The Chairman Cum Managing Director,
Tamil Nadu Generation and Distribution Corporation Limited,
Tamil Nadu Electricity Board, NPKRR Maligai,
No.144, Annasalai, Chennai 600 002.
2. The Secretary,
Tamil Nadu Generation and Distribution Corporation Limited,
Tamil Nadu Electricity Board, NPKRR Maligai,
No.144, Annasalai, Chennai 600 002.
3. The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Thiruvannamalai Electricity Distribution Circle,
TNEB, Vengikkal,
Thiruvannamalai District - 606 604 .

+1cc to Mr.M.Raja, Advocate SR.No. 14469

+1cc to Mr.M.Fakkir Mohideen , Advocate SR.No. 14452

W.P.No.3972 of 2020

A.SK(26/02/2020)

सत्यमेव जयते

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