



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2020

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THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

W.P (MD) No.3221 of 2020

K.Thiruppathi

.. Petitioner

Vs.

1.The Chairman Cum Managing Director,
TANGEDCO,
No.144, Anna Salai,
N.P.K.R.R.Maligai,
Chennai-600 002.

2.The Chief Engineer (Personal),
TANGEDCO,
No.144, Anna Salai,
N.P.K.R.R.Maligai,
Chennai-600 002.

3.The Chief Engineer (Distribution),
TANGEDCO,
Madurai Region,
K.Pudur,
Madurai District-625 007.

4.The Superintending Engineer,
Sivagangai Electricity Distribution Circle,
TANGEDCO,
Collectorate Campus,
Sivagangai District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the fourth respondent to provide Encashment of Earned Leave and Encashment of Unearned Leave on private affairs, General Provident Fund, Special Provident Fund and Family Benefit Fund to the petitioner by considering the representation dated 03.02.2020 made by the petitioner in light of the order in W.A.No.105 of 2019 dated 31.07.2019 and W.P.No.139 of 2016 dated 22.08.2017 and order in W.P.No.187 of 2019 dated 10.07.2019 within the time stipulated by this Court and pass such further or other orders.



For Petitioner

: Mr.I.Pinaygash

For Respondents

: Mr.T.Sakthikumaran,
Standing Counsel.

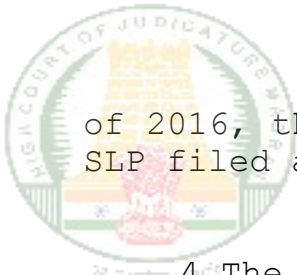
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ORDER

This writ petition has been filed for issuance of a Writ of Mandamus to direct the fourth respondent to provide Encashment of Earned Leave and Encashment of Unearned Leave on private affairs, General Provident Fund, Special Provident Fund and Family Benefit Fund, to the petitioner, by considering his representation dated 03.02.2020, in light of the orders made in W.P.No.139 of 2016, dated 22.08.2017, W.P(MD)No.187 of 2019 dated 10.07.2019 and in W.A(MD) No.105 of 2019 dated 31.07.2019, by this Court.

2.The case of the petitioner is that the petitioner was appointed as Technical Assistant II in the Tamil Nadu Electricity Board and posted at Aliyanilai, Pudukottai District and he was promoted as Assistant Engineer on 24.05.2002 and subsequently transferred to Madagupatty, Sivagangai District. A criminal case was registered against him in Crime No.4 of 2008 under Sections 7 and 13(2) read with 13(1)(d) of Prevention of Corruption Act, 1988, on the allegation that he demanded and accepted Rs.5,000/- as illegal gratification from one K.Sivaneshwari in order to shift H.T. Line Deviation and the said criminal case is pending in Spl. Case No.54 of 2014 on the file of the Special Court under the Prevention of Corruption Act, Sivagangai District. Based on the said criminal case, he was suspended from service on 12.08.2008, against which, he filed W.P.No.13621 of 2018 and on 27.06.2018, this Court allowed the same and thereafter, he was reinstated in service on 13.03.2019. On 31.01.2020, he reached the age of superannuation. Because of the pendency of criminal case, the 4th respondent suspended him on 29.01.2020 and also passed order not allowing him to retire from service. Since the retirement as well as terminal benefits have not been paid, he made a representation, dated 03.02.2020 to the 4th respondent. Since the same has not been considered so far, the petitioner has come up with the present writ petition.

3.The learned counsel appearing for the petitioner submitted that the petitioner is entitled to get Encashment of Earned Leave, Encashment of Unearned Leave on private affairs, General Provident Fund, Special Provident Fund and Family Benefit Fund. But the respondent Corporation has not settled the amounts so far. Therefore, he made a representation dated 03.02.2020 to the respondents and the same has not been considered so far. In a similar matter in W.P.No.139 of 2016 and W.P(MD)No.187 of 2019, this Court directed the respondents to disburse the terminal and retirement benefits. In W.A(MD)No.105 of 2019, dated 31.07.2019, a Division Bench of this Court allowed the appeal with a direction to the respondents to release the earned leave salary. In W.A.No.207



of 2016, the order passed in the writ petition was confirmed and the SLP filed against the said order was also dismissed on 06.07.2017.

4. The learned counsel for the petitioner also submitted that it would suffice, if the representation of the petitioner, dated 03.02.2020, is directed to be disposed of by the 4th respondent in the light of the orders made in W.P.No.139 of 2016, dated 22.08.2017, W.P(MD)No.187 of 2019 dated 10.07.2019 and in W.A(MD) No.105 of 2019 dated 31.07.2019, for which, the learned counsel for the respondents has no serious objection.

5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents and perused the materials available on record.

6. Considering the limited scope of prayer sought for, this Court, without adverting to the merits of the case, directs the 4th respondent to consider the representation of the petitioner, dated 03.02.2020 and pass orders on merits and in accordance with law and also in the light of the orders made in W.P.No.139 of 2016, dated 22.08.2017, W.P(MD)No.187 of 2019 dated 10.07.2019 and in W.A(MD) No.105 of 2019 dated 31.07.2019, by this Court, within a period of eight (8) weeks from the date of receipt of a copy of this order. While sending the copy of this order, the petitioner shall enclose the copy of the representation, dated 03.02.2020 to the 4th respondent.

7. With the above directions, this Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (P AND A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

smn

To

1. The Chairman Cum Managing Director,
TANGEDCO,
No.144, Anna Salai,
N.P.K.R.R.Maligai,
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<https://hcservices.ecourts.gov.in/hcservices/>



2.The Chief Engineer (Personal),
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4.The Superintending Engineer,
Sivagangai Electricity Distribution Circle,
TANGEDCO,
Collectorate Campus,
Sivagangai District.

+1 CC to M/s.I.PINAYGASH, Advocate (SR-10031[F] dated 04/03/2020)

+1 CC to M/s.T.SAKTHIKUMARAN, Advocate (SR-10083[F] dated
04/03/2020)

W.P(MD)No.3221 of 2020
04.03.2020

smn

KK/20.03.2020/ 4P- 7C