



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 24.02.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.3770 of 2022

P.Manohar

... Petitioner

vs.

1.The Principal Secretary to Government,
Energy Department,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.

2.The Chief Electrical Inspector to Government,
Government of Tamil Nadu - Electrical Inspectorate,
Head Quarters, Thiru. Vi. Ka. Industrial Estate,
Guindy, Chennai - 600 032. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to release Special Provident Fund and Earned Leave Encashment of the petitioner.

For Petitioner : Mr.K.T.Sankar Subramanian

For Respondents: Mr.P.Balathandayutham
Special Government Pleader

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus directing the respondents to release Special Provident Fund and Earned Leave Encashment of the petitioner.

2. This matter is listed today along with W.P.No.3767 of 2022 and the same is de-linked from this matter.

3. The case of the petitioner in brief:

The petitioner was joined as Assistant Electrical Inspector on 06.12.1989 after being recruited by Tamil Nadu Public Service Commission. The petitioner was elevated as Electrical Inspector on 21.11.2005 and later he was promoted as Senior Electrical Inspector on 18.07.2014. On 29.12.2017, a sum of Rs.50,000/- was seized by the District Inspection Cell and DVAC Chennai City from the petitioner,



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despite he explained that it was brought by him from his house for purchasing clothes for his relatives for his son's marriage. Thereafter, During December 2018, he was summoned by the respondent and he gave detailed statement, as to what transpired on 29.12.2017. On 29.04.2019, the day before his superannuation on 30.04.2019, he was placed under suspension stating that he would not be allowed to superannuate, pending enquiry. Thereafter, on 29.07.2019, the first respondent issued charge memo levelling three charges and for that, he had submitted his explanation. Again on 30.10.2019, another charge memo was issued levelling two charges. Though the petitioner appeared for enquiry and made representation to the first respondent to conclude the enquiry, it is still pending. The petitioner's Provident Fund and encashment of Earned Leave were also not released by the respondents. Hence this writ petition.

4. The learned counsel appearing for the petitioner submitted that the petitioner is entitled to get the amount of Special Provident Fund, which are contributed by him from his monthly salary; and encashment of Earned Leave; and the respondents have no right to with hold the above said amounts. He further submitted that the petitioner is under financial crisis and it is very difficult for him to meet his family expenses and in such circumstances, appropriate directions may be issued to the respondents to release the above said amounts.

5. The learned Special Government Pleader fairly submitted that the petitioner is entitled to get the amount of Special Provident Fund and encashment of Earned Leave. He further submitted that, there is no representation from the petitioner requesting to grant the above amounts and acknowledgment is also not found in the typed set of papers for receipt of such representation by the respondents. Hence, if any such representation is received by the respondents, the same will be considered and appropriate orders will be issued, as per the Rules.

6. Inview of the above submissions and also considering the facts and circumstances of the case, without expressing any opinion on merits, this court is inclined to pass orders.

7. Accordingly, it is ordered as follows:

i) The petitioner is directed to furnish the copy of the representation along with the copy of this orders to the first respondent, within a period of one week from the date of receipt of a copy of this order.

ii) On such representation being made by the petitioner, the first respondent is directed to consider the same and pass appropriate orders in accordance with law,



within a period of four weeks from the date of receipt of the representation.

8. With the above directions, this writ petition is disposed of. No costs.

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Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

mst
To

- 1.The Principal Secretary to Government,
Energy Department,
Secretariat, Chennai - 600 009.
- 2.The Chief Electrical Inspector to Government,
Tamil Nadu - Electrical Inspectorate,
Head Quarters, Thiru. Vi. Ka. Industrial Estate,
Guindy, Chennai - 600 032.

+2 ccs to Mr.S.Namasivayam, Advocate Sr.NO. 12272
+1 cc to Government Pleader Sr.NO. 12768

W.P.No.3770 of 2022

PMK(CO)
A.SK(15/03/2022)