



WP No.41496 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02-11-2022

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.41496 of 2016

P.Krishnan

..

Petitioner

VS.

1.The Director of Employment Exchange,
Guindy,
Chennai-32.

2.The Regional Joint Director Employment,
Coimbatore-641 029. ..

Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the second respondent relating to the orders of the second respondent relating to the orders in (1)A4/3071/2014 dated 30.06.2014 and (2) Pro.No.A4/3071/2014 dated 07.04.2016 to quash the same and to issue consequential directions to the respondents to reinstate the petitioner in service with consequential benefits.

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For Petitioner

: Mr.I.Kabilan for
Mr.M.Ravi

For Respondents

: Mr.Stalin Abhimanyu,
Additional Government Pleader.

ORDER

The order impugned passed by the second respondent in proceedings dated 07.04.2016 extending the suspension of the writ petitioner is sought to be quashed in the present writ petition.

2. The petitioner was working as Junior Employment Officer. A criminal case was registered against him in Crime No.18 of 2014 under Sections 120-B and 420 IPC.

3. The learned Additional Government Pleader, appearing on behalf of the respondents, made a submission that the criminal trial is in progress and the Trial Court is in the process of examining the prosecution witnesses. During the pendency of the departmental disciplinary proceedings, the Competent Authorities may not be in a position to settle all



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the terminal and retirement benefits due to the writ petitioner. The petitioner reached the age of superannuation and not allowed to retire from service.

4. The learned counsel for the petitioner made a submission that the encashment of leave and surrender of earned leave benefits are to be settled even during the pendency of the departmental disciplinary proceedings and the criminal case as per the Rules.

5. It is contended that even in case of imposing the penalty of dismissal from service, the employee is entitled for surrender leave benefits and encashment of leave, which is accrued.

6. In this regard, the petitioner is at liberty to submit a representation to the Authorities Competent and the Authorities are bound to ascertain the eligibility of the writ petitioner and accordingly settle the same if there is no impediment or otherwise.

7. As far as the other terminal and pensionary benefits are



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concerned, the petitioner has to approach the Authorities only after the disposal of the criminal case as well as the departmental disciplinary proceedings initiated against him.

8. With the abovesaid observations, the writ petition stands disposed of. However, there shall be no order as to costs.

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Index : Yes/No.

Internet : Yes/No.

Speaking Order/Non-Speaking Order.

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To

WEB COPY

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S.M.SUBRAMANIAM, J.

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