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W.P.No.29058 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2023

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.29058 of 2012

J.Subbulakshmi

... Petitioner

-Vs-

The Director of Social Welfare,
58, Arunachalam Road,
(Opp.) Jain Temple, Chintadripet,
Chennai - 600 002.

... Respondent

Prayer:- Writ Petition filed under Article 226 of Constitution of India praying for the issuance of Writ of Mandamus, directing the respondent to disburse the (i) encashment of earned leave for 240 days (237 days as on 15.10.2010 as per the Petitioner's service register and eligible 3 days for the period from 16.10.2010 to 31.01.2011 (ii) Unearned leave of 30 days and (iii) Special Provident Fund amount deducted from her salary for 148 days with interest.

For Petitioner : Mr.P.Mohanraj

For Respondent : Mr.M.Muthusamy,
Government Advocate



W.P.No.29058 of 2012

WEB COPY

ORDER

This Writ Petition has been filed for direction directing the respondent to disburse the encashment of Earned Leave, Unearned Leave and Special Provident Fund to the petitioner.

2. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondent.

3. The petitioner was initially appointed as Rural Welfare Officer and subsequently, he was promoted to the post of Extension Officer and also promoted to the post of Guideline Bureau Officer in the year 2006. He was served with a charge memo dated 25.02.2008 under Rule 17-b of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. He is facing a criminal case registered under the Prevention of Corruption Act. Since the departmental action as well as the criminal action have been taken simultaneously against the petitioner, he approached this Court and obtained an order of injunction restraining the department from proceeding with the disciplinary proceedings. Therefore, the petitioner was not permitted to retire and he was placed under suspension by an



W.P.No.29058 of 2012

order dated 22.01.2011. Now, he is facing criminal charge in Spl.C.C.No.22 of 2008 on the file of the Chief Judicial Magistrate, Salem. While pending criminal case, the petitioner submitted a representation to disburse the benefits such as encashment of earned leave for 240 days, Unearned leave of 30 days and Special Provident Fund amount deducted from her salary for 148 days with interest.

4. A perusal of the counter filed by the second respondent revealed that the service rights of the petitioner have been freezed and retained her in service by invoking the Rule 56(1)(c) of the Fundamental Rules till the criminal case is concluded and final orders to be passed by the learned Chief Judicial Magistrate, Salem.

5. Therefore, the request of the petitioner cannot be sanctioned till the conclusion of the criminal case. However, the petitioner is entitled for encashment of leave salary, Earned Leave, Unearned Leaved and the Special Provident Fund except GCRG charges.

6. In view of the above, the respondent is directed to consider the



W.P.No.29058 of 2012

WEB COPY

request of the petitioner and pass appropriate orders to disburse the claim of the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

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

24.08.2023

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order
mn



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W.P.No.29058 of 2012

G.K.ILANTHIRAIYAN, J.

mn

To

The Director of Social Welfare,
58, Arunachalam Road,
(Opp.) Jain Temple, Chintadripet,
Chennai - 600 002.

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