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Writ Appeal No.775 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.12.2023

CORAM

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
AND
THE HONOURABLE MR. JUSTICE G.ARUL MURUGAN**

**Writ Appeal No.775 of 2020
and C.M.P.No.10261 of 2020**

1. The Government of Tamil Nadu,
Rep. By Secretary to Government,
Commercial Taxes and Registration Department,
Secretariat, Chennai – 600 009.
2. The Inspector General of Registration,
No.100, Santhome High Road,
Pattinapakkam, Chennai – 600 028.Appellants

Vs.

1. R.Govindaraju
2. The Principal Accountant General (A&E),
Teynampet, Tamil Nadu,
Chennai – 600 018. ... Respondent

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 17.09.2018 made in W.P.No.24295 of 2018 and allow this writ appeal.

For Appellants	: Mr.K.V.Sajeev Kumar, Special Government Pleader
For Respondent	: No appearance



Writ Appeal No.775 of 2020

JUDGMENT

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(Judgment of the Court was delivered by R.SURESH KUMAR,J.)

This writ appeal has been directed against the order passed by the Writ Court dated 17.09.2018 made in W.P.No.24295 of 2018.

2. The first respondent herein was the employee of the appellant Department, who had been removed from service pursuant to a disciplinary proceedings. Because of the removal, the benefits like encashment of earned leave and unearned leave on private affairs, contribution to special provident fund and family benefits etc., has not been paid and to that extent an order has been passed on 09.05.2018, which was under challenge before the Writ Court.

3. Learned Judge, who heard the matter having set aside the said rejection order, gives a direction to the appellant to pay the petitioner amount towards the surrender leave, earned leave, unearned leave on private affairs, provident fund contribution as well as the contribution towards the family benefit fund, within a period of eight weeks.



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4. Aggrieved over the same, the present appeal has been directed.

5. Heard Mr.K.V.Sajeev Kumar, learned Special Government Pleader appearing for the appellants.

6. He made submissions to sustain the impugned order before the Writ Court and wants the order passed by the Writ Court to be set aside.

7. We are not impressed with the said submissions, because the issue has already been settled in number of judgments, where even a dismissed or removed employee is entitled to get these benefits like surrender of earned leave, unearned leave on private affairs, contribution towards the provident fund as well as the family benefit fund etc.

8. Therefore, that benefits cannot be denied to the employee even though he was removed from service, hence the view taken by the learned Judge is to be sustained and hence, this writ appeal deserves to be dismissed, therefore, it is dismissed and the benefits if at all has not been paid to the employee, it shall be calculated and be paid to the employee,



Writ Appeal No.775 of 2020

who is the first respondent herein within a period of eight(8) weeks from the date of receipt of a copy of this order. No costs. Connected miscellaneous petition is closed.

(R.S.K.,J.)

(G.A.M., J.)

11.12.2023

Index: Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

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Writ Appeal No.775 of 2020

R.SURESH KUMAR, J.
and
G.ARUL MURUGAN, J.

mp

Writ Appeal No.775 of 2020

11.12.2023