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W.P.No.23370 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.23370 of 2023

Prabhu Kumar Joseph

... Petitioner

Vs.

1.The Secretary to Government,
Municipal Administration & Water Supply Department,
Secretariat, Fort St. George,
Chennai – 600 009.

2.The Director of Municipal Administration,
Urban Administrative Building,
75, Santhome High Road,
R.A. Puram,
Chennai – 600 028.

3.The Vellore Corporation,
Represented by its Commissioner,
Vellore – 632 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to forthwith release the amounts due to the petitioner on account of Encashment of Earned Leave, Unearned Leave on Private affairs and the Special Provident fund within such time as may be fixed by this Court with the applicable interest of 12% per annum till the date of payment.



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For Petitioner : Mr.R.Purushothaman

For R1 and R2 : Mr.E.Vedabagath Singh
Special Government Pleader

ORDER

This writ petition has been filed to direct the respondents 1 to 3 to forthwith release the amounts due to the petitioner, viz., Encashment of Earned Leave, Unearned Leave on Private affairs and Special Provident Fund, along with interest @ 12% p.a.

2.The petitioner states that he was working in the respondent Corporation and at the fag end of his service, he was placed under suspension on 27.01.2023, just before attaining the age of superannuation on 31.01.2023. It is the grievance of the petitioner that he has not been granted his terminal benefits like Encashment of Earned Leave, Unearned Leave on Private affairs and Special Provident Fund. In this regard, the petitioner has also submitted a representation on 21.05.2023. Since the same was also not considered, the present writ petition has been filed.



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3.Heard the learned counsel for the petitioner.

4.Mr.E.Vedabagath Singh, learned Special Government Pleader, who takes notice for the respondents 1 and 2, submitted that disciplinary proceedings are still pending against the petitioner.

5.Since the petitioner is facing disciplinary proceedings, merely on the basis of the representation, terminal benefits cannot be ordered to be granted, which will only be subject to the result of the disciplinary proceedings. Therefore, this Court is not inclined to issue any positive directions. At the most, there shall be a direction to the Disciplinary Authority to conclude the disciplinary proceedings pending against the petitioner and pass final orders, on merits and in accordance with law, within a period of four months from the date of receipt of a copy of this order.

6.With the above direction, this writ petition is disposed of. No costs.

10.08.2023



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N. SATHISH KUMAR, J.
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Internet : Yes
Index : Yes / No
Neutral citation : Yes / No
Speaking order / Nonspeaking order

To

- 1.The Secretary to Government,
Municipal Administration & Water Supply Department,
Secretariat, Fort St. George, Chennai – 600 009.
- 2.The Director of Municipal Administration,
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75, Santhome High Road,
R.A. Puram,
Chennai – 600 028.
- 3.The Commissioner,
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Vellore – 632 001.

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