



W.P.No.26927 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2023

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.26927 of 2023

T.Gowri

.. Petitioner

Versus

1.The Joint Commissioner (ST),
O/o the Joint Commissioner (ST),
Erode Division, Erode.

2.The Pay & Accounts Officer,
Treasury Office,
Erode.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 1st respondent to provide me the encashment of Earned Leave, unearned Leave, General Provident Fund and Special Provident Fund with interest based on my representation dated 22.12.2022 submitted in person within the time limit that may be stipulated by this Court.

For Petitioner

: Mr.G.Thalaimutharasu

For Respondents

: Ms.K.Vasanthala Mala
Government Advocate



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ORDER

This writ petition has been filed to direct the 1st respondent to provide Encashment of Earned Leave, Unearned Leave, General Provident Fund and Special Provident Fund with interest based on the representation made by the petitioner dated 22.12.2022.

2. It is the case of the writ petitioner that she joined the post of Typist in the 1st respondent office through Tamil Nadu Public Service Commission on 19.09.1994 and after subsequent promotions, while she was working as Deputy Commercial Tax Officer. While so, a criminal case was registered against her in Crime No.11 of 2015 under the Prevention of Corruption Act. Subsequently, she was placed under suspension vide proceedings dated 07.01.2016. Thereafter, the said suspension was revoked and she was posted in the office of the 1st respondent. While so, the petitioner attained superannuation on 30.06.2022 whereas the Principal Secretary/Commissioner of Commercial Taxes, Chennai, dated 23.06.2022 placed the petitioner under suspension citing that the criminal case and departmental enquiry are pending. In this regard, the petitioner



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submitted a representation dated 22.12.2022 to the 1st respondent to provide encashment of earned leave of 240 days, unearned leave of 90 days and the amounts accrued under General Provident Fund and Special Provident Fund. However, the same has not been considered by the 1st respondent. Hence, the writ petition.

3. Heard the learned counsel for the petitioner and Ms.Vasanthamala, the learned Government Advocate for the respondents and perused the materials placed on record.

4. Considering the limited relief sought for in this writ petition since the departmental proceedings is pending, this Court is of the view that the petitioner cannot seek relief of encashment of earned leave and unearned leave. In such view of the matter, in respect of other benefits such as General Provident Fund and Special Provident Fund, as they are contributions made by the petitioner, this Court is inclined to direct the respondents to consider the representation of the petitioner dated 22.12.2022 and release the aforesaid amount alone, as per Rules, within a period of two months from the date of receipt of a copy of this order.



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5. With the above direction, the writ petition stands disposed of. There shall be no order as to costs.

14.09.2023

Index : Yes/No
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To

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Erode Division, Erode.
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N. SATHISH KUMAR, J.

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