



W.A.No.3549 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2023

CORAM

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.A.No.3549 of 2019
and CMP.No.22803 of 2019

1. The District Collector,
Namakkal District,
Namakkal.
 2. The Commissioner,
Mallasamuthiram Panchayat Union,
Mallasamuthiram, Namakkal District.
- ...appellants

Vs.

T.Paramasivam ...respondent

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 22.04.2019 made in WP.No.38635 of 2015 passed by the Single Judge of this Court.

For appellants : Mr.G.Ameedius, Government Advocate
For respondent : Mr.C.Prakasam



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JUDGMENT

(The Judgment of the Court was delivered by R.SUBRAMANIAN, J)

Aggrieved by the direction issued by the Writ Court to disburse the encashment of earned leave, unearned leave on private affairs and special provident fund (subject to contribution) to the respondent, the State is on appeal.

2. It is the contention of the State that since the respondent was found guilty and punished in a case under the provisions of Prevention of Corruption Act, he is not entitled to those benefits. The question of entitlement to the benefits stated above is no longer *res-integra*. A Division Bench of this Court in WA.No.207 of 2016 has held that even the dismissed employee would be entitled to encashment of earned leave, unearned leave on private affairs, as well as the special provident fund (if he had made contribution). The judgment of the Division Bench has been confirmed by the Hon'ble Supreme Court on 06.07.2017.

3. In view of the said legal position, we do not see any room for interference with the order of the Writ Court. Hence, the Writ Appeal fails



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and it is accordingly dismissed. It is stated that the General Provident Fund and Special Provident Fund have already been paid and the same is recorded. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M.J.) (K.G.T.J.)
14.02.2023

Index : No
Speaking order: No
pvs



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R.SUBRAMANIAN, J.
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K.GOVINDARAJAN THILAKAVADI, J.

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