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W.P.No.30485 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T.ASHA

W.P.No.30485 of 2016

J.Johnson Devakumar Jacob

.. Petitioner

Vs.

1. The Chairman cum Managing Director,
Tamil Nadu Electricity Board,
Tamil Nadu Generation and Electricity
Distribution Corporation Ltd., Anna Salai,
Chennai 600 002.

2. The Superintending Engineer,
C.E.D.C / North / TANGEDCO,
No.144, Anna Salai,
Chennai 600 002.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to disburse the petitioner's retirement benefits like Gratuity, Special Provident Fund, Encashment of earned leave and Encashment of unearned leave on private affairs to the petitioner.

* * *



W.P.No.30485 of 2016

For Petitioner : Mr.C.Prakasam
For Respondents : Mr.David Sundar Singh

ORDER

The Writ Petitioner, against whom the departmental proceedings had been initiated under the Prevention of Corruption Act, had approached this Court for a mandamus directing the respondents to disburse his retirement benefits like gratuity, special provident fund, encashment of earned leave and encashment of unearned leave.

2. The learned counsel appearing on behalf of the petitioner would submit that though the petitioner has sought for the disbursement of gratuity, the same cannot be now given to him in the light of the criminal proceedings pending against him. However, he is entitled to the provident fund which is his contribution as well as the encashment of earned leave and unearned leave. He would submit that the respondents are refusing to disburse this amount which is rightfully



W.P.No.30485 of 2016

due to him.

WEB COPY

3. Per contra, the learned counsel appearing on behalf of the respondents has brought to the notice of this Court the order signed by the Superintending Engineer on 01.06.2024 that the petitioner has been convicted under Section 7 of the Prevention of Corruption Act, 1985 and has also been awarded the sentence to undergo rigorous imprisonment for a period of three years and fine of Rs.20,000/-. The learned counsel would submit that, in the light of the petitioner having been convicted and this writ petition which was filed pending the criminal proceedings is now not maintainable. He would submit that the petitioner has to therefore file a writ petition afresh.

4. Heard both sides and perused the materials available on record.

5. This Court is unable to understand at to why the petitioner



W.P.No.30485 of 2016

should be relegated to file yet another writ petition when the request of the petitioner is only for disbursing the amounts that are rightfully due to him irrespective of his conviction.

6. Considering the above, the respondents are directed to disburse the petitioner's retirement benefits of special provident fund, encashment of earned leave and encashment of unearned leave to the petitioner within a period of four(4) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

03.06.2024

Index : Yes/No

Internet : Yes

srn

To

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

4/6



WEB COPY



W.P.No.30485 of 2016

2. The Director of Municipal Administration,
Chepauk, Chennai 600 005.
3. The Commissioner,
Salem Corporation, Salem.



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W.P.No.30485 of 2016

P.T.ASHA, J.

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W.P.No.30485 of 2016

03.06.2024