



W.P.No.12857 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2024

CORAM

THE HON'BLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.No.12857 of 2024

Dr.C.Jayanthi

... Petitioner

Vs.

1. The Secretary to the Government
of Tamil Nadu,
Health and Family Welfare (1-1) Department,
Secretariat, Fort St.George,
Chennai – 600 009.

2. The Director of Medical Education,
Chennai – 600 010.

3. The Dean,
Madras Medical College,
Chennai – 600 003.

4. The Accountant General,
Chennai – 600 018.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus to direct the respondents to pay GPF, SPF, benefits of encashment of earned leave salary and other terminal benefits with effect from 30.11.2015 together with interest at 18% per annum.



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For Petitioner : Mr.P.Arumuga Rajan
For Respondents :
For R1 to R3 : Mr.M.Bindran
Additional Government Pleader
For R4 : Mr.P.Manorajan

ORDER

Mr.M.Bindran, learned Additional Government Pleader takes notice on behalf of the 1st to 3rd respondents and Mr.P.Manorajan, learned counsel takes notice on behalf of the 4th respondent.

2. The petitioner was appointed as an Assistant Surgeon at the Government Primary Health Centre, North Arcot on 27.07.1994. Thereafter, the petitioner underwent the Post Graduate Super Specialty Course in DM, Neurology from 01.08.1994 to 31.06.1996. On a contractual obligations that the petitioner was bound to serve the Tamil Nadu Medical Services until the age of superannuation.

3. When the petitioner was working as an Assistant Professor of Neurology in the year 2002, she was selected for employment in Saudi Arabia for a period of 2 years.



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4. Under these circumstances, the petitioner had applied for sanction of leave and no objection before the respondents. The respondents granted leave to the petitioner on a condition that the petitioner has to pay a sum of Rs.38,000/- as a penalty towards breach of contract. Having paid the aforesaid amount, leave was granted to the petitioner.

5. However, she chose not to honor the contractual obligations and stayed in Saudi Arabia itself permanently. Therefore, disciplinary proceedings was initiated under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules for staying in abroad and ultimately a punishment of dismissal of service was imposed on 13.11.2015. Now the petitioner claims arrears of GPF, SPF, benefits of encashment of earned leave salary and other terminal benefits and further prays for interest at the rate of 18% per annum additionally.

6. Since the petitioner has breached her contractual obligations upon undertaking the education in taxpayer's money, this Court negatives the prayer for interest. Certainly, she is not entitled for any interest as having proceeded for employment for her own personal benefit, however, since the



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petitioner is dismissed from service, as far as the provident fund contribution and the special provident fund contribution is concerned, she is entitled for payment of the same.

7. Mr.M.Bindran, learned Additional Government Pleader, appearing on behalf of the 1st to 3rd respondents would submit that if the application is submitted by the petitioner in the prescribed format in the three sets, GPF and SPF will be processed and the same will be paid to her in accordance with law.

8. In view thereof, this writ petition is disposed of on the following terms:-

- i. The petitioner shall approach the office of the 3rd respondent and submit the necessary applications in the prescribed format along with the other supporting documents within a period of four weeks from the date of receipt of a copy of this order;
- ii. Upon receipt of the said application, the same shall be processed in accordance with law;



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iii. The same shall be forwarded to the Accountant General of Tamil Nadu within a period of 8 weeks there from and thereafter, within a period of 3 months, the Accountant General shall calculate and pay the amount to the petitioner. It is made clear that the writ petitioner will not be entitled to any interest whatsoever.

iv. No costs.

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Index : Yes
Speaking Order
Neutral Citation :Yes
rgm



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D.BHARATHA CHAKRAVARTHY, J.

rgm

To

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of Tamil Nadu,
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