



W.P.No.13374 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.13374 of 2020

C.Rajendran

... Petitioner

/vs/

1. The District Collector,
Salem District,
Salem.

2. The Revenue Divisional Officer,
Salem.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus to call for the records of the second respondent in ந.க.9495/2002/அ1 dated 15.06.2020 and quash the same as arbitrary and direct the second respondent to consequently to pay the monetary benefits of Encashment of earned leave and unearned leave entitled to the petitioner within a time frame.

For Petitioners ... Mr.T.Balaji



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For Respondents ... Mr.S.J.Mohammed Sathik
Govt. Advocate

ORDER

This writ petition has been filed for challenging the order of the second respondent in ந.க.9495/2002/அ1 dated 15.06.2020 and consequently to direct the second respondent to pay the monetary benefits of encashment of earned leave and unearned leave entitled to the petitioner, within a time frame.

2. In the impugned order dated 15.06.2020 the petitioner's request to disburse his retiral benefits and other monetary benefits was not granted to him in view of the interim stay granted by this Court in the appeal filed by the petitioner against the judgment of conviction rendered by the lower Court/

3. Mr.T.Balaji, the learned counsel for the petitioner, submitted that in similar such case, an order has been passed by the Madurai Bench of this Court in W.P.Nos.7776 and 7780 of 2020 dated 07.08.2020 in which it is held as under:



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“ 8. In that view of the matter, the impugned orders cannot be sustained and therefore, both the impugned orders, insofar as the rejection of Earned and Unearned Leave benefits, are quashed and in view of the same the following directions are given:

“ that the respondents, especially the second respondent, is hereby directed to consider the request of the petitioners, with regard to the entitlement of Encashment of Earned and Unearned Leave as well as Special Provident Fund and after calculating the same, the amount accounting on the said Head shall be paid to the petitioners within a period of eight weeks from the date of receipt of a copy of this order.”

4. Even by a stretch of imagination, if the petitioner is removed from service depending on the result of the the appeal filed against the judgment of conviction, the petitioner is entitled to get earned leave encashment benefits and the same cannot be denied. Hence, I feel the second respondent should be directed to grant terminal and monetary benefits for which the petitioner is entitled, irrespective of the result of the criminal proceedings or punishment of removal of service imposed on him.

5. Accordingly, this writ petition is allowed and the impugned order passed by the second respondent in ந.க.9495/2002/அ1 dated 15.06.2020 is



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hereby quashed and the second respondent is directed to grant terminal and monetary benefits for which the petitioner is entitled irrespective of the result of the criminal proceedings or punishment of removal of service imposed on him, within a period of four weeks from the date of receipt of a copy of this order. No costs.

15.02.2024

Index: Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

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To:

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1. The District Collector,
Salem District,
Salem.
2. The Revenue Divisional Officer,
Salem.



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R.N.MANJULA ,J.

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