



WEB COPY



W.P.No.15362 of 2024 etc.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.15362, 15365, 15367, 15370, 15404,
15408, 15410, 15412 of 2024

and

W.M.P.Nos.16687, 16690, 16694, 16696, 16751,
16756, 16757, 16761 of 2024

W.P.No.15362 of 2024 :-

R.T.Balakrishnan

... Petitioner

Vs

1. Government of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Handlooms, Handicrafts, Textiles
and Khadi Department,
Fort St. George,
Chennai – 600 009.

2. The Chief Executive Officer,
Tamil Nadu Khadi and Village Industries Board,
Kuralagam, Chennai – 600 108.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration, declaring that the action of the respondents in not paying the commuted value of pension, death cum retirement gratuity, encashment of earned leave and encashment of unearned leave on private affairs to the petitioner consequent to his



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retirement on 28.02.2023, as illegal, arbitrary and contrary to law and consequently direct the respondents to pay commuted value of pension, death cum retirement gratuity, encashment of earned leave and encashment of unearned leave on private affairs to the petitioner within the time frame stipulated by this Court along with interest at the rate of 10% per annum from the date when the terminal benefits became due till the date of actual disbursement.

In all W.Ps.

For Petitioner : Mr.Balan Haridas

For Respondents

For R1 : Mr.Yogesh Kannadasan
Special Government Pleader

COMMON ORDER

These writ petitions have been filed for declaration declaring that the action of the respondents in not paying the commuted value of pension, death cum retirement gratuity, encashment of earned leave and encashment of unearned leave on private affairs to the petitioner as illegal and also to direct the respondents to pay the same with interest.

2. The issue in all the writ petitions is one and the same and therefore, this Court is inclined to pass common order.



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3. The petitioner had joined in the service of the second respondent and retired from service on attainment of age of superannuation, on various dates. The petitioners were duly relieved from their respective services. Though the petitioners were sanctioned in respect of pension, the respondents failed to pay the commuted value of pension and death cum retirement gratuity. Apart from the said amounts, the second respondent ought to have settled dues towards encashment of earned leave and encashment of unearned leave. However, the petitioners were not settled any amount including the sanctioned amount.

4. Heard the learned counsel appearing on the either side and perused the materials placed before this Court.

5. The learned Special Government Pleader appearing for the respondents submitted that due to financial crisis the second respondent addressed the first respondent for allotment of funds. The second respondent also replied that immediately after allotment of funds from the first respondent, the petitioner will be settled with all benefits as per seniority. However, so far the first respondent belated to allot the funds



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to the second respondent to settle the terminal benefits to its employees.

If the first respondent allotted funds to the second respondent so that, the second respondent can settle the dues to the retired employees.

6. In view of the above, the first respondent is directed to allot the funds in favour of the second respondent within a period of four weeks from the date of receipt of a copy of this Order. On receipt of the same, the second respondent is directed to disburse the dues to the petitioners forthwith with applicable interest.

7. With the above directions, all the writ petitions are allowed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

05.07.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No
rts



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G.K.ILANTHIRAIYAN. J,

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