



W.P.No.23101 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.23101 of 2023

K. Kasi

...Petitioner

Vs

Tamil Nadu Civil Supplies Corporation,
Rep by its Regional Manager,
Chennai South Region,
No.7/9, Conransmith Road,
Gopalapuram,
Chennai – 600 086

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to pay the encashment of earned leave and leave on private affairs (EL/UEL) without further delay and pass orders.

For Petitioner : Mr.S.Venkataraman

For Respondent : Mr. K. Thirugnanam
Standing counsel



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ORDER

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This petition is filed seeking to issue a Writ of Mandamus directing the respondents to pay the encashment of earned leave and leave on private affairs (EL/UEL) without further delay and pass orders.

2. The facts of the case is that the petitioner is a retired employee from the Respondent/Corporation. It is pertinent to note that disciplinary proceedings were initiated against the petitioner and a FIR was also registered. However, final orders was passed by the respondent on 04.06.2009 in Na.Ka.No.A26/8399/08 stating that the charges against the petitioner were not proved. When this being the case, the respondent has not paid the earned leave encashment on private affairs due to the fact that criminal complaint is pending against me. Hence, the petitioner has given a representation to the respondent on 17.06.2023. However, the same has not been considered till date. Hence, this petition.

3. The learned counsel for the petitioner submitted that pendency of the criminal proceeding cannot be a reason to deny payment of gratuity or disbursement of the provident fund amount or encashment of leave



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salary. Hence prays to allow this petition.

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4. The learned standing counsel appearing for the respondents submitted that they will consider the case of the petitioner on merits and in accordance with law.

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

6. On a perusal of records, this Court is of the view that the Respondent has no authority to with hold the encashment of accumulated earned leave and the same has to be disbursed once the employee attains superannuation. Further more these amounts have to be given to the Government Servant even if the criminal proceedings are pending against the petitioner and there is no justification in withholding the terminal benefits after the petitioner has attained the age of superannuation.

7. Considering the facts and circumstances of the case this Court directs the respondent to settle the eligible amount as prayed in the writ petition within a period of eight weeks from the date of receipt of a



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copy of this order.

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8. With the above observations this writ petition stands disposed of. No order as to costs.

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Index: Yes/No

Speaking order/Non-speaking order
smn

To.
Tamil Nadu Civil Supplies Corporation,
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V.BHAVANI SUBBAROYAN,J.

smn

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