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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.25411 of 2024
and W.M.P.No.27783 of 2024

K.Sivaprakasam

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Environmental, Climate Change and Forest Department,
St. George Fort,
Secretariat, Chennai – 600 009.
- 2.The Principal Conservator of Forest,
Head of Forest Force,
Guindy – Velacherry Main Road,
Guindy,
Chennai – 600 032.
- 3.The Conservator of Forests and Field Director,
Sathyamangalam Tiger Reserve,
Erode,
Erode District.
- 4.Mr.Nihar Ranjan, IFS,
Chief Conservator of Forests,
Research Wing,
Kolapakkam,
Chennai – 600 127.



5. The Deputy Conservator of Forests,
Working Plan Division,
Trichirapalli – 620 001,
Trichirapalli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the Respondents 1 to 3 and 5 to disburse the petitioner's entitlement of Encashment of Earned and unearned leave on private affairs, Special provident Fund (SPF) and other Entitlements based on his application dated 30.03.2024 and 28.05.2024.

For Petitioner : Mr.M.R.Jothimanian

For Respondents : Dr.T.Seenivasan
Special Government Pleader

ORDER

This writ petition has been filed for issue of writ of mandamus directing the respondents to disburse the Encashment of Earned and Unearned leave on private affairs, Special Provident Fund and other entitlements to the petitioner based on the application submitted by the petitioner.



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2. Heard Mr.M.R.Jothimanian, learned counsel appearing on behalf of the petitioner and Dr.T.Seenivasan, learned Special Government Pleader appearing on behalf of the respondents.

3.The case of the petitioner is that he was appointed as a Forest Guard in the year 1984 by the 2nd respondent and thereafter, he was promoted as a Forest Range Officer in the year 2010. The petitioner after serving in various ranges in the Forest Department for nearly 38 years, attained superannuation on 30.11.2023.

4.The grievance of the petitioner is that the petitioner is entitled as per the service rules for the Encashment of Earned and Unearned leave on private affairs, Special Provident Fund and other entitlements. However, based on the charge memo that was issued by the 3rd respondent dated 29.11.2023, it is alleged that these entitlements have not been paid to the petitioner. In view of the same, the petitioner was not allowed to retire and his entitlements are also not paid. The petitioner therefore made representations to the respondents and the same did not



evoked any response. It is under these circumstances, the present writ petition has been filed before this Court.

5. Taking into consideration the facts and circumstances of the case and the nature of relief sought for by the petitioner, there shall be a direction to respondents 2 and 5 to deal with the applications submitted by the petitioner seeking for certain entitlements on its own merits and in accordance with law and a decision shall be taken, within a period of six weeks from the date of receipt of copy of this order. Assuming that the petitioner is punished ultimately for the pending charges, even then, the petitioner will be entitled for the settlement of Encashment of Earned and Unearned leave and also his Special Provident Fund. Therefore, the mere pendency of disciplinary proceedings against the petitioner will not disentitle the petitioner from receiving these entitlements. Hence, appropriate orders shall be passed within the time frame fixed by this Court and the amount to which the petitioner is entitled shall be disbursed to the petitioner.

6. The petitioner shall make a fresh representation to respondents 2 and 5 along with the applications dated 20.03.2024 and 28.05.2024 and also a copy of this order.



7.This writ petition is disposed of with the above directions. No Costs.

Consequently, connected miscellaneous petition is closed.

04.09.2024

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr

To

- 1.The Principal Secretary to Government,
State of Tamil Nadu,
Environmental, Climate Change and Forest Department,
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- 2.The Principal Conservator of Forest,
Head of Forest Force,
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- 3.The Conservator of Forests and Field Director,
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Erode District.



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N. ANAND VENKATESH, J.

SSR

4.Mr.Nihar Ranjan, IFS,
Chief Conservator of Forests,
Research Wing,
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5.The Deputy Conservator of Forests,
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