



WEB COPY



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 13.09.2024**

**CORAM**

**THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH**

**W.P.No.26526 of 2024**

T.Rajendran

... Petitioner

Vs.

1.State of Tamil Nadu

Rep. by the Principal Secretary to Government,  
Health and Family Werlfare Department,  
Secretariat,  
Chennai – 600 009.

2.The Director of Public Health and Preventive Medicine,  
DMS Compound,  
Chennai – 600 006.

3.The District Health Officer,  
District Collector Office Complex,  
Namakkal – 637 003.

... Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to settle and pay to the petitioner encashment of earned leave and encashment of unearned leave on private affairs with interest as has been claimed by the petitioner in his representations dated 27.05.2024 and 06.08.2024 within a time frame.



WEB COPY



For Petitioner : Mr.V.Subramani

For Respondents : Mr.M.Bindran  
Additional Government Pleader

### **ORDER**

This writ petition has been filed for issue of writ of mandamus directing the respondents to settle and pay to the petitioner the encashment of earned leave and encashment of unearned leave on private affairs with interest as claimed by the petitioner in his representations dated 27.05.2024 and 06.08.2024.

2.Heard Mr.V.Subramani, learned counsel appearing on behalf of the petitioner and Mr.M.Bindran, learned Additional Government Pleader appearing on behalf of the respondents.

3.The case of the petitioner is the petitioner was working as an Assistant Surgeon. During the year 1995, the TNPSC debarred the petitioner from appearing for any examination on the ground that the petitioner had produced the bogus community certificate. The Criminal Court also convicted the petitioner and as a



result, the petitioner was dismissed from service by an order dated 26.04.2024. The date of superannuation of the petitioner was on 30.04.2024 and in the meantime, this dismissal order came to be passed.

4.The grievance of the petitioner is that he has made a representation claiming for encashment of earned leave and encashment of unearned leave on private affairs and this representation was not considered. Therefore, the present writ petition has been filed before this Court.

5.In the considered view of this Court, this Court has repeatedly held that even if an employee is dismissed from service, he will be entitled for disbursement of General Provident Fund, Special Provident Fund and Earned leave encashment. Therefore, just because the petitioner has been removed from service, that does not mean that he can be deprived of these entitlements. Useful reference can be made to the judgment of the Division Bench in ***Secretary to Government, Revenue Department, Secretariat. Chennai – 600 009 vs. K.Palaniyandi*** reported in **2019 5 CTC 19**.



6. In the light of the above discussion, there shall be a direction to the 2<sup>nd</sup> respondent to deal with the representation made by the petitioner on 06.08.2024 on its own merits and in accordance with law and in the light of the observations made by this Court and pass appropriate orders, within a period of six weeks from the date of receipt of copy of this order. The payments to which the petitioner is entitled to shall be paid, within a period of eight weeks from the date of receipt of copy of this order.

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

**13.09.2024**

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

**Note: Issue Order Copy on 18.09.2024**  
To

1. The Principal Secretary to Government,  
State of Tamil Nadu  
Health and Family Welfare Department,  
Secretariat,  
Chennai – 600 009.



2.The Director of Public Health and Preventive Medicine,  
DMS Compound,  
Chennai – 600 006.

3.The District Health Officer,  
District Collector Office Complex,  
Namakkal – 637 003.



WEB COPY



**N. ANAND VENKATESH, J.**

SSI

**W.P.No.26526 of 2024**

**13.09.2024**