



WEB COPY

W.P.No.27490 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2024

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THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.No.27490 of 2022
and W.M.P.Nos.26717 and 26718 of 2022

N.Vimala

... Petitioner

Vs.

The District Treasury Officer,
District Treasury Office,
Thiruvallur, Thiruvallur District

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the respondent in her proceedings No.NaKa.3263/2021/A1 dated 17.09.2021 and quash the same and consequently direct the respondent to disburse the petitioner's husband's retirement benefits like earned leave and unearned leave on private affairs to the petitioner.

For Petitioner : Ms.R.Hemalatha

For Respondent : Mr.R.U.Dinesh Rajkumar

Additional Government Pleader



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ORDER

This Writ Petition has been filed for quashment of the impugned order passed by the respondent in proceedings No.Na.Ka.3263/2021/A1 dated 17.09.2021 and to direct the respondent to disburse the petitioner's husband retirement benefits like earned leave and unearned leave on private affairs to the petitioner.

2. Heard the learned counsel on either side and also perused the entire materials available on record.

3. The learned counsel for the petitioner submitted that on 05.04.2010, while the petitioner's husband worked as Accountant at Sub Treasury, Ponnery, Thiruvallur District, the Vigilance and Anti-Corruption Police registered a case against him. Pending disciplinary proceedings, he attained superannuation on 30.06.2014 but was not allowed to retire due to ongoing criminal and departmental proceedings. Subsequently, he was convicted on 15.05.2017 for the above vigilance and anti-corruption case for one year imprisonment and fine imposed to the tune of Rs.2000/-. Against which, he preferred an appeal before this Court and obtained bail order and after that,



on 18.09.2017, the respondent concluded the disciplinary proceedings and passed orders by dismissing him from service. Aggrieved over the order of dismissal, he approached this Court by filing a writ petition in W.P.No.2693 of 2018 challenging the dismissal order and the same was also dismissed by an order dated 08.02.2018. He further submitted that while Criminal Appeal was pending before this Court, the petitioner's husband expired on 04.08.2021. On 05.08.2021, the petitioner made a representation to the respondent to disburse pension, gratuity, earned leave and unearned leave on private affairs of his husband. However, the respondent rejected the request through proceedings No. NaKa.No.3263/2021/A1 dated 17.09.2021, citing that as per Pension Rules, she is not entitled for family pension as her husband was dismissed from service.

4. The learned counsel further submitted that the Hon'ble Apex Court has consistently held that even a convicted government employee is entitled to receive contributions towards earned leave, unearned leave on private affairs, and special provident fund, but not gratuity. He further submitted that the respondent except provident fund, no other retirement benefits were disbursed. Hence, he prayed that the respondent be directed to disburse the



petitioner's husband's retirement benefits like earned leave and unearned leave on private affairs to the petitioner.

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5. The learned Additional Government Pleader appearing for the respondent submitted that the petitioner's husband is not entitled for the earned leave and unearned leave as per Rule 86(a) of the Tamil Nadu Leave Rules. Hence, he prayed to dismiss the writ petition.

6. In view of the submissions made by learned counsels for the parties, this Court directs the respondent to disburse whatever pending dues entitled to the petitioner's husband to the petitioner herein, within a period of two months from the date of receipt of a copy of this Order.

7. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

05.12.2024

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Index : Yes / No

Speaking order / Non-speaking order



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To
The District Treasury Officer,
District Treasury Office,
Thiruvallur, Thiruvallur District



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VIVEK KUMAR SINGH, J.

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