



WEB COPY



Writ Petition No.26927 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.26927 of 2024

Gabiriel

S/o.Mariasoosai

... Petitioner

Vs.

1.The State of Tamil Nadu
represented by its
Secretary to Government,
Revenue Department,
Fort St.George, Chennai - 600 009.

2.The District Collector,
Office of the District Collectorate,
Cuddalore.

3.The Revenue Divisional Officer,
Cuddalore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents to forthwith disburse the eligible terminal benefits to the petitioner such as encashment of earned leave and unearned leave on private affairs, contributory pension scheme, employees provident fund, special provident fund and 1432 Fasali Jamabandhi allowance and other eligible benefits by considering his representation dated 23.08.2023, notwithstanding the pendency of criminal proceedings against the petitioner, within a time limit to be specified by this Court.

For Petitioner : Mr.M.Elumalai



Writ Petition No.26927 of 2024

For Respondents : Mr.S.Balamurugan,
Government Advocate

ORDER

This writ petition has been filed seeking issuance of a writ of mandamus directing the respondents to disburse the eligible terminal benefits to the petitioner by considering the representation made by the petitioner on 23.08.2023.

2. Heard Mr.M.Elumalai, learned counsel for petitioner and Mr.S.Balamurugan, learned Government Advocate appearing for respondents.

3. The case of the petitioner is that he was appointed as a Village Administrative Office and posted in Chidambaram Revenue Division in the year 2018. A First Information Report came to be registered in Crime No.6 of 2017 and the petitioner was arrayed as an accused. The petitioner was arrested and remanded to judicial custody. The same resulted in an order of suspension passed by second respondent dated 19.05.2017.

4. The petitioner filed W.P.No.18596 of 2018 before this Court



Writ Petition No.26927 of 2024

for a direction to the respondents to deal with the representation made by the petitioner wherein the petitioner had sought for revocation of the order of suspension. This writ petition was disposed of by an order dated 23.07.2018 by issuing necessary direction to the respondents.

5. Pursuant to the above order, the second respondent, through proceedings dated 28.06.2019, revoked the order of suspension and the petitioner was reinstated into service and posted as Village Administrative Officer, A.P.Agaram Village, Cuddalore District.

6. Through proceedings dated 31.05.2023, the petitioner was not permitted to retire from service and the order of suspension passed against the petitioner continued.

7. The grievance of the petitioner is that the petitioner has not been settled with the benefit of earned leave and unearned leave on private affairs and other benefits to which the petitioner is entitled to. Therefore, the petitioner made a representation dated 23.08.2023 to the third respondent in this regard. Since the same was not considered, the present writ petition has been filed.

8. In the considered view of this Court, there are certain



Writ Petition No.26927 of 2024

terminal benefits, which are bound to be paid to the employee irrespective of final result of the disciplinary proceedings. The law on this issue was settled by the Division Bench of this Court in the judgment in ***The Secretary to Government, Revenue Department, Secretariat & Others Versus K. Palaniyandi [2019 (5) CTC 19]***. This was subsequently followed up by another Division Bench in W.A.No.530 of 2021 by order dated 29.06.2021. It was made clear that encashment of earned leave and unearned leave on private affairs is payable irrespective of the result of the disciplinary proceedings.

9. In view of the above, there shall be a direction to third respondent to deal with the representation made by the petitioner on 23.08.2023 and the third respondent shall pass appropriate orders for disbursement of the benefit of earned leave and unearned leave on private affairs, provident fund, if any, special provident fund, if any and those benefits shall be paid to the petitioner within a period of eight (8) weeks from the date of receipt of a copy of this order.

10. The petitioner is directed to make a fresh representation to



Writ Petition No.26927 of 2024

the third respondent along with all relevant documents and a copy of this order.

This writ petition is disposed of with the above direction. No costs.

19.09.2024

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order
gm

To

- 1.The Secretary to Government,
Revenue Department,
Fort St.George, Chennai - 600 009.
- 2.The District Collector,
Office of the District Collectorate,
Cuddalore.
- 3.The Revenue Divisional Officer,
Cuddalore District.

N.ANAND VENKATESH, J

gm



WEB COPY



Writ Petition No.26927 of 2024

Writ Petition No.26927 of 2024

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