



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.30129 of 2024
and W.M.P.No.32835 of 2024

K.Sekar

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Environmental, Climate Change and Forest Department,
Secretariat, Fort St George,
Chennai – 600 009.

2.The Principal Chief Conservator of Forests,
Head of Forest Force,
Guindy – Velacherry Main Road,
Guindy, Chennai – 600 032.

3.The Principal Chief Conservator of Forests and Director,
Tamil Nadu Forest Academy,
Coimbatore 641 002
Coimbatore District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for
issuance of a Writ of Mandamus, directing the Respondents to disburse the



petitioner's entitlement of Encashment of Earned and unearned Leave on private affairs, Special provident Fund (SPF) and other entitlements forthwith.

For Petitioner : Mr.M.R.Jothimanian

For Respondents : Mr.C.Selvaraj
Additional Government Pleader

ORDER

This writ petition has been filed for issue of writ of mandamus directing the respondents to disburse the petitioner's entitlement for Encashment of Earned and unearned Leave on private affairs, Special provident Fund (SPF) and other entitlements based on the representation made by the petitioner on 18.09.2024.

2.Heard Mr.M.R.Jothimanian, learned counsel appearing on behalf of the petitioner and Mr.C.Selvaraj, learned Additional Government Pleader appearing on behalf of the respondents.

3.The case of the petitioner is that he was appointed as a Junior Assistant in the Forest Department in the year 1987. Thereafter, through direct recruitment he



was appointed as a Forester as per the Special Rules of the Tamil Nadu Forest Subordinate Service Rules on 03.03.1993. The petitioner ultimately was posted as a Principal of the Tamil Nadu Forest Academy and attained superannuation on 31.07.2023. However, the petitioner was not allowed to retire from service through the proceedings of the 1st respondent dated 31.07.2023. In the meantime, the petitioner was also placed under suspension by the 1st respondent through proceedings dated 25.07.2023, since the criminal case was pending against the petitioner.

4.The grievance of the petitioner is that till date no departmental proceedings has been initiated and no provisional pension has been paid and the criminal case is also pending from the year 2018 onwards. Therefore, the petitioner made representation to the 1st respondent seeking for the encashment of earned and unearned leave, Special Provident Fund and other entitlements. Since the same was not considered, the present writ petition has been filed before this Court.

5.Taking into consideration the facts and circumstances of the case and also 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, there shall be a direction to the 1st respondent to deal with the representation made by the petitioner on 18.09.2024 and pass necessary orders, within a period of six weeks in line with the judgment of the Division Bench. It is made clear that the entitlements sought for by the petitioner has nothing to do with the ultimate result of the disciplinary proceedings or the criminal case.

6.The petitioner is directed to make a fresh representation to the 1st respondent along with all the relevant documents 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.

15.10.2024

Internet : Yes / No
Index : Yes / No
Speaking Order / Non Speaking Order
ssr



WEB COPY

To

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WEB COPY



N. ANAND VENKATESH, J.

SSR

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