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Cont.P.No.860 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2025

CORAM

THE HONOURABLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

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T. Sakthivel

... Petitioner

Versus

Thiru. Kiran Gurralla, I.A.S.,
The Director of Town Panchayaths,
Urban Administrative Office Campus,
Raja Annamalai Puram,
Chennai – 28.

... Respondent

Prayer:- Contempt petition has been filed under Section 11 of the Contempt of Courts Act, 1971, praying to punish the respondent under the Contempt of Courts Act, 1971 for deliberately and wilfully disobeying the Orders of this Court dated 09.07.2024 passed in W.P.18124 of 2024.

For Petitioner : Mr. P. Kannan Kumar

For Respondent : Dr. T. Seenivasan, Spl.G.P.,

ORDER

This contempt petition has been preferred against the respondent for non-compliance of the order passed by this Court in W.P.No.18124 of 2024 dated 09.07.2024.



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2. The learned counsel for the petitioner submitted that by order dated 09.07.2024 in W.P.No.18124 of 2024, this Court observed that the petitioner was at liberty to claim other benefits, if any, before the respondents in a manner known to law, and also entitled for encashment of Earned Leave (EL) and Unearned Leave on private affairs (UEL). Further, the respondents were directed to disburse the said sum, within twelve (12) weeks from the date of receipt of a copy of that order. However, the petitioner was suspended from service and he was not permitted to retire from service after attaining his superannuation, by citing that when the petitioner was holding the post of Executive Officer in Chennaamudram Town Panchayat, Kodumudi Taluk, Erode, an FIR in Crime No.02/AC/2024 is pending with the Inspector of Police, Vigilance and Anti Corruption Police Department, Karur. However, no charge memo has been filed in this regard. Since, the petitioner was not settled with any amount by the respondents, till date, he filed the present Contempt Petition.

3. Learned Special Government Pleader appearing for the respondent submitted that as per the amended G.O.(Ms).No.100, Human Resources



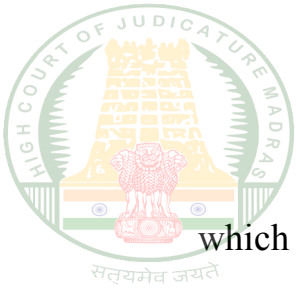
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Management (FR.II) Department dated 07.09.2022, reveals that “...(ii)

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Provided that the Government employee who are dismissed or removed from service or who have resigned from service shall not be eligible for encashment of earned leave and leave on private affairs:..” Accordingly, the petitioner is not eligible to receive any EL or UEL for encashment.

4. Further, the learned Special Government Pleader submits that the encashment of EL and leave on private affairs shall be deferred to the Government servants who are not permitted to retire from service on attaining the age of superannuation but retained in service under Fundamental Rule 56(1)(c), till the enquiry into the charge of misconduct or criminal misconduct is/ are concluded and final order passed thereon by the competent authority. So far as the petitioner is concerned, he was suspended from service, he could not be permitted to retire from service after attainment of superannuation on 30.04.2024. Therefore, he is not entitled for claiming encashment of EL or Leave on private affairs. In addition, he submits that the respondent and others have preferred an appeal in W.A.SR.No.86484 of 2025 against the order of this Court in W.P.No.18124 of 2024 dated 09.07.2024,



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which is pending.

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5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. Upon hearing the submissions made by the learned Special Government Pleader appearing for the respondent, the order dated 09.07.2024 passed in W.P.No.18124 of 2024 passed by this Court is hereby clarified. Therefore, no contempt is made out as against the respondent.

7. Accordingly, the contempt petition is closed. However, the petitioner is entitled for all benefits subject to the result of the Disciplinary Proceedings initiated against the petitioner.

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Index : Yes/No
Neutral Citation : Yes/No
Speaking/Non Speaking order

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