



WEB COPY

WP No. 9285 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-04-2025

CORAM

THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN

WP No. 9285 of 2024

S.Ravikumar

S/o N.C. Subramaniam

Petitioner(s)

Vs.

1. The Principal Secretary,
Commissioner of Labour,
DMS Compound, Teynampet,
Chenani 600 006.

2.The Joint Commissioner of Labour- II
DMS Compound, Teynampet,
Chenani 600 006.

Respondents

PRAYER: This writ petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings K.No. E4 / 17888 / 223, dated 10.08.2023 and quash the same and consequently directing the 1st respondent to disburse the petitioner's retirement benefits like Special Provident Fund, Encashment of Earned Leave and Encashment of Unearned Leave on Private Affairs to the petitioner.

For Petitioner

Mr.C.Prakasam

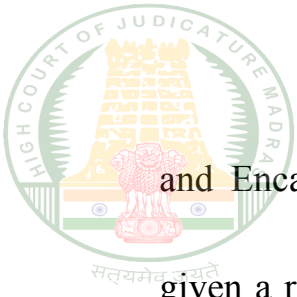
For Respondents

Mr.M.Shajahan, SGP

**ORDER**

The writ petition has been filed in the nature of a Certiorarified Mandamus seeking records relating to an impugned order passed by the 1st respondent in his proceedings K.No. E4 / 17888 / 223, dated 10.08.2023 and quash the same and direct the first respondent to disburse the retirement benefits of the petitioner like Special Provident Fund, Encashment of Earned Leave and Encashment of Unearned Leave on Private Affairs.

2.In the affidavit filed in support of the writ petition, it had been contended that the petitioner had been posted as Assistant Inspector of Labour in the year 2017. At that time, Vigilance and Anti Corruption Police had registered a case against the Assistant Commissioner of Labour, Tiruvallur and the Assistant Inspector of Labour, Tiruvallur. They were arrayed as A1 and A2 and the petitioner was arrayed as A3. It had been further stated that the petitioner had been placed under suspension. The petitioner had attained the age of superannuation on 30.06.2022. The petitioner was not permitted to retire. It had been contended that the respondents have not disbursed the retirement benefits like Special Provident Fund, Encashment of Earned Leave



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and Encashment of Unearned Leave on Private Affairs. The petitioner had given a representation on 05.06.2023. The impugned order came to be passed placing reliance on G.O.Ms.No.100, Human Resources Management (FR – II) Department, dated 07.09.2022, wherein, Rule 86, in sub rule (a) after clause (iii), had been amended that till the enquiry into the charge of misconduct or criminal misconduct is/are concluded and final order passed thereon by the competent authority, the benefit of encashment of earned leave and leave on private affairs shall not be paid and it will be disbursed only after regulating their suspension period.

3.The learned counsel for the petitioner claims that the petitioner was placed under suspension on **30.06.2022** and that the aforementioned amendment had come into effect only on 07.09.2022, which is after the date of superannuation of the petitioner herein. The learned counsel places reliance on the similar order passed in *W.P.No.15821 of 2015, S.Mary Vs.The Commissioner of Labour*, wherein the learned Single Judge, by an order dated 05.06.2015, had directed that the GPF, petitioner's contribution to Special

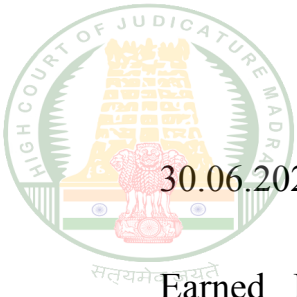


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Provident Fund and Earned Leave Encashment benefits must be released to the petitioner therein. The learned counsel further places reliance on the order of the learned Single Judge in *W.P.No.471 of 2024, T.Rajendran Vs. The Commissioner of Labour and one another*, wherein, by an order dated 05.02.2021, the learned Single Judge had directed that the encashment of leave salary, SPF, GPF, unearned leave on private affairs should be disbursed to the petitioner therein.

4.The learned Spl.Government Pleader however stated that GPF had been released to the petitioner herein. Further, SPF had also been paid to the petitioner.

5.The issue now is that with reference to the payment of Encashment of Earned Leave and Encashment of Unearned Leave on Private Affairs. The respondents places reliance on the amendment introduced on 07.09.2022. That particular amendment will have only prospective effect and not retrospective effect. Petitioner had retired on attaining the age of superannuation on



30.06.2022. On that particular date, petitioner was entitled to Encashment of Earned Leave and Encashment of Unearned Leave on Private Affairs.

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Petitioner had already been paid GPF and his contribution to SPF. A direction is given to the respondents to release the Encashment of Earned Leave and Encashment of Unearned Leave on Private Affairs within a period of eight weeks from the date of receipt of a copy of this order.

6.The writ petition stands disposed of. No Costs. Consequently, connected miscellaneous petitions, if any, are also closed.

07-04-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

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