



W.P.No.31694 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2025

CORAM

THE HONOURABLE MS. JUSTICE P.T. ASHA

W.P.No.31694 of 2023

D.Subramani

...Petitioner

Vs.

1. The Tamil Nadu Civil Supplies Corporation
Rep by its Managing Director,
10, Thambusamy Road, Chennai-10.

2. The Tamil Nadu Civil Supplies Corporation
Rep by its Managing Director,
Vellore Region, Vellore 632001.

3. Prema

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings Na Ka No.AE/14/13422/2022 dated 17.10.2023 of the first respondent, quash the same and consequently directing the first respondent to release the 240 days of accumulated earned leave and 180 days of un availed leave on private affairs standing to the credit of the petitioner on the date of his superannuation with penal interest.

For Petitioner : Mr. S.Venkataraman

For R1 and R2 : Mr. C.Selvaraj, Standing Counsel

For R3 : Mr.B.Thiyagarajan



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ORDER

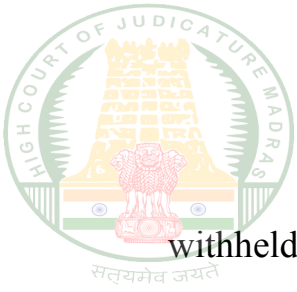
The writ petition is filed for the below relief:

calling for the records relating to the proceedings Na Ka No.AE/14/13422/2022 dated 17.10.2023 of the first respondent, quash the same and consequently directing the first respondent to release the 240 days of accumulated earned leave and 180 days of un availed leave on private affairs standing to the credit of the petitioner on the date of his superannuation with penal interest.

2. The brief facts which has culminated in the filing of this writ petition are set out below:

2.1. It is the case of the petitioner that he was employed as a Manager (Quality Control) at the Head Office, Tamil Nadu Civil Services Corporation, Chennai and on the date of retirement on 30.06.2022, he was working at North Region, Chennai.

2.2. It is the submission of the petitioner that he was permitted to retire from service by proceedings dated 29.06.2022. The Provident fund and the gratuity were duly settled by the respondent, however, the respondent had



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withheld the leave salary and orally rejected the claim, when the petitioner made a representation for the following reasons.

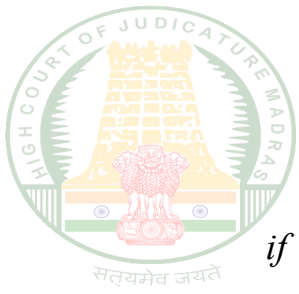
a) that an undertaking has been given in stamp paper to adjust the leave salary if any recovery to be made due to auditing of the period 01.01.2022 to 30.06.2022 as the auditing was not complete;

b) that a criminal case filed by CBCID was pending;

Therefore, the petitioner is before this Court.

3. The learned Counsel for the petitioner relied on the decision of the Hon'ble Division Bench of this Court in W.A.4018 of 2018, in which the learned Judges had held as follows:

"Employees contribution to Provident Fund and leave which has been earned by him (not encashed) are the property of the employee, they cannot be taken away, without due process of law, as enshrined, under Article 300 A of the Constitution of India. There is nothing in the Rules which has been relied by the learned Government Pleader which will enable the Government to withhold the Employee's own contribution to Provident Fund and encashment of accumulated earned leave when the Government servant has attained the age of superannuation. These amounts have to be given to the Government servant, even



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if the criminal proceedings culminate against the Government servant and the Government servant is terminated from service. If these amounts cannot be forfeited even on termination, there is no justification in withholding the same during the continuation of criminal proceedings after the Government servant has attained the age of superannuation.

4. Heard the learned Counsels on either side and perused the records.

5. Admittedly, the first respondent by proceedings dated 29.06.2022 had permitted the petitioner to retire from service stating that no recoveries were pending against him, still the first respondent had obtained an undertaking from the petitioner to adjust the loss, if any from his leave salary. The Hon'ble Division Bench has held that contribution towards Provident Fund and leave are the property of the employee, which cannot be taken away, without due process of law and there is no justification in withholding the same during the continuation of criminal proceedings after his superannuation. Therefore, in the light of the decision of the Hon'ble Division Bench, the Writ petition is allowed and hence, the first Respondent is directed to release the 240 days of accumulated earned leave and 180 days of unavailed leave on private affairs to the petitioner with penal interest within a period of three weeks from the date



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of receipt of a copy of this order.

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6. Accordingly, the writ petition is allowed. There shall be no order as to costs.

13.08.2025

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Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation Case : Yes/No

To

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P.T.ASHA J.

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