



W.P.No.41221 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2025

CORAM:

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

W.P.No.41221 of 2025
and
W.M.P.No.46176 of 2025

K.Gurunathan

... Petitioner

Vs

1. Government of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Handlooms, Handicrafts, Textiles
and Khadi Department,
Fort St. George,
Chennai – 600 009.

2. The Chief Executive Officer,
Tamil Nadu Khadi and Village Industries Board,
Kuralagam, Chennai – 600 108.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration, declaring that the action of the respondents in not paying the commuted value of pension and encashment of unearned leave on private affairs to the petitioner consequent to his retirement on 31.05.2019 as illegal, arbitrary and contrary to law and consequently direct the respondents to pay commuted value of pension and encashment of unearned leave on private affairs to the petitioner within the time frame stipulated by this Court along with interest at the rate of 10% per annum from the date when the terminal benefits became due till the date of actual disbursement.

For Petitioner : Mr.Balan Haridas



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For Respondents : Mr.R.Ramanlal,
Additional Advocate General
assisted by
Mr.Yogesh Kannadasan,
Special Government Pleader

ORDER

This writ petition has been filed for declaration declaring that the action of the respondents in not paying the commuted value of pension and encashment of unearned leave on private affairs to the petitioner as illegal and also to direct the respondents to pay the same with interest.

2. The petitioner had joined in the service of the second respondent on 12.09.1984 and retired from service on attainment of age of superannuation on 31.05.2019. The petitioner was duly relieved from his service. Though the petitioner was sanctioned in respect of pension, the respondents failed to pay the commuted value of pension and encashment of unearned leave on private affairs. Apart from the said amounts, the second respondent ought to have settled dues towards the commuted value of pension and encashment of unearned leave on private affairs. However, the petitioner was not settled any amount including the sanctioned amount.



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3. Heard the learned counsel appearing on the either side and perused the materials placed before this Court.

4. The learned Additional Advocate General appearing for the respondents submitted that due to financial crisis the second respondent addressed the first respondent for allotment of funds. The second respondent also replied that immediately after allotment of funds from the first respondent, the petitioner will be settled with all benefits as per seniority. However, so far the first respondent belated to allot the funds to the second respondent to settle the terminal benefits to its employees. If the first respondent allotted funds to the second respondent so that, the second respondent can settle the dues to the retired employees.

5. In view of the above, the first respondent is directed to allot the funds in favour of the second respondent within a period of four weeks from the date of receipt of a copy of this order. On receipt of the same, the second respondent is directed to disburse the dues to the petitioner forthwith with applicable interest.



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Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

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Index : Yes/No

Speaking/Non Speaking order

Neutral Citation : Yes/No

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To

1. The Principal Secretary to Government,
Government of Tamil Nadu,
Handlooms, Handicrafts, Textiles
and Khadi Department,
Fort St. George,
Chennai – 600 009.
2. The Chief Executive Officer,
Tamil Nadu Khadi and Village Industries Board,
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G.K.ILANTHIRAIYAN. J.

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