



W.P.(MD)No.12090 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2025

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THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.12090 of 2021

M.Natarajan

: Petitioner

Vs.

The Sub Collector /
Revenue Divisional Officer,
Kuzhithurai,
Karur District.

: Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the respondent vide proceedings in Na.Ka.No.A4/5935/2009 dated 03.03.2021 and quash the same insofar as it denies the disbursement of earned and unearned leave benefits and consequently direct the respondent to disburse the monetary benefits such as earned leave and unearned leave benefits and Special Provident Fund along with interest to the petitioner within a time frame to be fixed by this Court.



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For Petitioner : Mr.T.Antony Arulraj

For Respondent : Mr.A.Baskaran,

Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned order dated 03.03.2021 passed by the respondent, rejecting the petitioner's request for payment of Earned Leave, Unearned Leave benefits and Special Provident Fund.

2.The petitioner claims that the impugned order has been passed by total non-application of mind to the settled law, which enables the petitioner to claim earned leave, unearned leave and Special provident fund amount, despite the fact that the petitioner is involved in a criminal case. It is also brought to the notice of this Court by the learned Counsel for the petitioner that the criminal case in Spl.C.C.No.9 of 2014, on the file of the Chief Judicial Magistrate cum Special Judge for trial of Prevention of Corruption Act Cases, Karur, ended in conviction by judgment dated 23.05.2018, at the time when this Writ Petition was filed.



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3.It is now brought to the notice of this Court by the learned Counsel for the petitioner that the criminal appeal in CRL.A. (MD)No.268 of 2018, filed by the petitioner as against the judgment dated 23.05.2018 in Spl.C.C.No.9 of 2014, has now been allowed by this Court on 07.10.2025. Therefore, according to the learned Counsel for the petitioner, apart from Earned Leave, Unearned Leave, Special Provident fund, the petitioner is also entitled for all the retirement benefits. Learned Counsel for the petitioner also relies upon a Division Bench judgment of the Madras High Court dated **26.02.2020** passed in **W.A.(MD)Nos.68 of 2014 & 769 of 2018**, in the case of ***the State of Tamil Nadu, represented by the Secretary to Government and others Vs. R.Balakrishnan*** and would submit that the law is now well settled.

4.As seen from the aforesaid Division Bench judgments, as per Rule 53 of the Fundamental rules, even in cases where the delinquent is involved in a criminal case, provident fund and also earned leave encashment of the said delinquent has to be paid.

5.A counter has also been filed by the respondent before this Court denying the contentions of the petitioner and reiterating



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the contents of the impugned order. Under the impugned order, the request of the petitioner seeking payment of earned leave benefits and provident fund has been rejected on the ground that the petitioner is involved in a criminal case and he has also been dismissed from service on account of the conviction order passed by the Criminal Court.

6.The impugned order has not taken into consideration the Division Bench judgment relied upon by the learned Counsel for the petitioner namely, **W.A.(MD)Nos.68 of 2014 & 769 of 2018** rendered on **26.02.2020**, wherein, in similar circumstances, the Division Bench has held that the delinquent is entitled to the allowance which is payable to him under Rule 53 of Fundamental Rules and therefore, the Division Bench had directed the State Government to forthwith release the contribution of the respondent / delinquent to the provident fund and also the earned leave encashment. Since the same has not been considered, this Court in the interest of justice deems it fit to quash the impugned order and remand the matter back to the very same respondent for fresh consideration, by issuing a direction to the respondent to consider the Division Bench judgment referred to supra and issue orders and pass final orders in terms of the said judgment by granting the relief



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in favour of the petitioner, insofar as disbursement of earned leave encashment and provident fund amount alone is concerned. However, in view of the subsequent development namely the acquittal order passed by this Court in CRL.A.(MD)No.268 of 2018, dated 07.10.2025, acquitting the petitioner from the corruption case, the respondent also will have to consider payment of all retirement benefits to the petitioner, if found eligible in accordance with law.

7.For the foregoing reasons, in view of the fact that the impugned order is a non-speaking order, with regard to the ratio laid down in the Division Bench judgment referred to supra, the impugned order dated 03.03.2021 passed by the respondent is hereby quashed and the matter is remanded back to the respondent for fresh consideration on merits and in accordance with law. The petitioner is directed to submit a comprehensive representation to the respondent seeking for disbursement of the retirement benefits payable to the petitioner within a period of fifteen [15] days from the date of receipt of a copy of this order. On receipt of the said representation, the respondent shall pass final orders on merits and in accordance with law, after giving due consideration to the contents of the representation as well as after giving due consideration to the judgment of the Division Bench of this Court in



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W.A.(MD)Nos.68 of 2014 & 769 of 2018, rendered on **26.02.2020**, within a period of twelve [12] weeks, thereafter and also after giving due consideration to the acquittal order passed by this Court on 07.10.2025, in CRL.A.(MD)No.268 of 2018.

8.With the aforesaid directions, this Writ Petition stands disposed of. There shall be no order as to costs.

11.11.2025

Index :Yes / No
Internet : Yes / No
NCC : Yes/No
MR



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To
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ABDUL QUDDHOSE., J.

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