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W.P.No.1129 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2026

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.1129 of 2026
and WMP.No.1317 of 2026

R.Sadasivam

.... Petitioner

-Vs-

1.The Chairman cum Managing Director,
Tamil Nadu Electricity Board/TANGEDCO,
NPKRR Maligai,
No.144, Anna Salai,
Chennai 600 002.

2.The Chief Engineer (Personnel),
Tamil Nadu Electricity Board/TANGEDCO,
NPKRR Maligai,
No.144, Anna Salai,
Chennai 600 002.

3.The Superintending Engineer,
TEDC/Thiruvannamalai Electricity Distribution Circle,
Tamil Nadu Electricity Board/TANGEDCO,
Thiruvannamalai,
Thiruvannamalai District.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to disburse the petitioner's Special Provident Funds (SPF-G & 2000),



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Encashment of Earned Leave and Unearned Leave on private affairs, Family benefits Fund Scheme, Family Security Fund Scheme and other Entitlements forthwith for protecting his livelihood.

For Petitioner : Mr.M.R.Jothimanian
For Respondents : Mr.C.Manoharan

ORDER

This Writ Petition has been filed seeking a direction to the respondents to disburse the petitioner's Special Provident Funds (SPF-G & 2000), Encashment of Earned Leave and Unearned Leave on private affairs, Family benefits Fund Scheme, Family Security Fund Scheme and other Entitlements forthwith for protecting his livelihood.

2. Heard the learned counsels on either side. With the consent of both sides, the Writ Petition is taken up for hearing at the admission stage itself.

3. The brief facts of the case is as follows:

3.1. The petitioner was appointed as Switch Board Operator in the year 1984 in the respondent Board and thereafter, promoted as Junior Engineer Grade-I and served in various Distribution Divisions. He attained



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superannuation on 30.09.2019, however he was not permitted to retire as there was a disciplinary proceedings initiated against the petitioner and a corresponding criminal case was also pending trial against him in the concerned Court. Till date, the petitioner was not permitted to retire from service and none of his retirement benefits including pension have been sanctioned. In order to get the said retirement benefits, the petitioner made several representations on 11.03.2020, 05.08.2020 and 20.04.2024 and since the same were not considered, he has approached this Court by way of filing the present Writ Petition.

4. The learned counsel for the petitioner submitted that if at all anything to be retained because he was not permitted to retire in view of the pendency of the disciplinary proceedings as well as the criminal case against the petitioner, that can only be the Gratuity and pensionary benefits, but not for the other benefits like Special Provident Funds (SPF-G & 2000), Encashment of Earned Leave and Unearned Leave on private affairs, Family benefits Fund Scheme, Family Security Fund Scheme and other Entitlements. He further submitted that insofar as the other benefits except Pension and Gratuity are concerned, it can be granted to the petitioner even though the employee was not permitted to retire in view of the disciplinary



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proceedings and pending criminal case against and it is a settled legal proposition in number of decisions. He drew the attention of this Court to the decision of the Division Bench of this Court in the case of **“The Superintending Engineer -Vs- A.Venkatesan”** in W.A.No.269 of 2020 dated 15.09.2021.

5. Per contra, the learned Standing Counsel for the respondents submitted that in view of the serious charges levelled against the petitioner which is pending disciplinary proceedings and also he is facing a criminal case, it may not be justifiable on the part of the respondents to allow the petitioner to retire and therefore, on his superannuation, he was not permitted to retire. In view of the same, the petitioner may not be entitled to get the retirement benefits and if at all, the petitioner is entitled to part of the retirement benefits, that can be considered as per law, he contended.

6. I have considered the rival submissions made by the respective learned counsels and also perused the materials available on record.

7. At this juncture, it is pertinent for this Court to refer that in an identical circumstances, an employee of the very same respondent



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TANGEDCO had approached this Court and filed a writ petition in

W.P.No.16198 of 2019, which was allowed by the learned Single Judge, as against which when the respondent TANGEDCO preferred an intra court appeal in W.A.No.269 of 2020, a Division Bench of this Court, having considered the said aspect, has passed the following order.

“7. On perusal of the documents, it is seen that the Respondent / writ petitioner has been facing disciplinary proceedings for which he has been suspended from service and thereafter, it was set aside. Subsequently, there was an initiation of Departmental Proceedings and in the meanwhile, he attained the age of superannuation on 31.08.2018. As per the Board proceedings dated 06.11.1996, referred to by the Appellant, the respondent will not be entitled to pension and gratuity. Though the Apex Court in the case of State of Jharkhand and Others vs. Jitendra Kumar Srivastava and Others, reported in 2013 (12) SCC 210, held that even a part of pension or gratuity cannot be withheld, in recent cases in Steel Authority of India Ltd., vs. Raghbendra Singh and Others (MANU/SCOR/46090/2020) and Chairman-cum-Managing Director, Mahanadi Coalfields Limited vs. Rabindranath Choubey, reported in AIR 2020 SC 2978, it was observed that the employer has a right to withhold



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gratuity during pendency of the disciplinary proceedings and that the gratuity amount can be adjusted to recover the amount.

8. If the order of the learned Single Judge is tested in line with the aforesaid decisions of the Supreme Court, a portion of the order of the learned Single Judge, insofar as it grants gratuity and other pensionary benefits, is liable to be interfered with and the order needs slight modification. Accordingly, the order of the learned Single Judge in respect of pension and gratuity alone is set aside. The rest of the orders remains unaltered.

9. With the above modification, this Writ Appeal is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.”

8. On a perusal of the order, it could be culled out that except Pension and Gratuity, all other benefits can be directed to be paid to the employee who attained superannuation, even though he is not permitted to retire because of the pendency of the disciplinary proceedings and criminal case.



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9. In the case in hand, the petitioner since has asked for only the retirement benefits except Gratuity and Pension through his representations dated 11.03.2020, 05.08.2020 and 20.04.2024, that could have been considered by the respondents and such benefits could have been paid. Since no action was taken on the representations submitted by the petitioner, this Court feels that the following directions can be issued.

10. In that view of the matter, the writ petition is disposed of with the following order:

“That there shall be a direction to the respondents to consider the representations dated 11.03.2020, 05.08.2020 and 20.04.2024 and pass orders sanctioning the retirement benefits like Special Provident Funds (SPF-G & 2000), Encashment of Earned Leave and Unearned Leave on private affairs, Family benefits Fund Scheme, Family Security Fund Scheme and other Entitlements to the petitioner, except the Gratuity and Pension, within a period of eight weeks from the date of receipt of a copy of this order.”



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11. With the above direction, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. There shall be no order as to costs.

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Index : Yes/No
Order : Speaking/Non Speaking
NCC : Yes/No
DP



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M.DHANDAPANI, J.

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