



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-06-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 18858 of 2026

R.Palaniswamy
S/o. Ramasamy (Late)
Foreman -1, Grade
Dismissed from service,
Door No.15/7A V.O.Chidambaranar Road,
Karattipalayam (Post Office),
Gobichettipalayam T.K.,
Erode District.

..Petitioner(s)

Vs

The Superintending Engineer
TANGEDCO,
Gobi Electricity Distribution Circle,
110/11 KVSS Premises,
Vettaikarankoil,
Nagadevamapalayam Post,
Gobichettipalayam,
Erode District -638 476.

..Respondent(s)

PRAYER: Writ Petition has been filed under Article 226 of Constitution of India praying to issue a writ of certiorarified mandamus calling for the records relating to the proceedings of the Respondent *vide* Letter No.46/49/Mebo/Kobi/Nipi-1/Niu2/Ko.Po.Sema.Nidhi/2026 date 10.04.2026 herein and quash the same and consequently, direct the Respondent to give the Earned Leave Encashment the General provident Fund and the Family Benefits Fund within a time limit.

For Petitioner(s): Mr.P.Ganesan

For Respondent(s): Mr.C.Ramkumar, Standing Counsel



ORDER

This writ petition has been filed for the following reliefs:

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“To issue a writ of Certiorarified Mandamus to call for the records relating to the proceedings of the Respondent vide LetterNo.46/49/Mebo/Kobi/Nipi-1/Niu2/Ko.Po.Sema.Nidhi/20 26 date 10.04.2026 herein and quash the same and consequently, direct the Respondent to give the Earned Leave Encashment the General provident Fund and the Family Benefits Fund within a time limit.”

2. Heard the learned counsels on both sides and perused the materials available on record.

3. The issue involved in the present writ petition was earlier considered by the Division Bench of this Court in a writ appeal in W.A.No.579 of 2020 dated 06.02.2023, wherein, a similar relief was claimed. The learned Judges, relied upon the judgment of the Division Bench as follows;

“6. We have gone through the judgment of the Division Bench in The Chief Secretary to Government v. M.Uthiraswamy, (Writ Appeal No.4018 of 2019) dated 22.11.2019, the Division Bench had referred to Rule 56(1) of the Fundamental Rules, Rule 21 of the Tamil Nadu Pension Rules, 1978 and Rule 7(1) of Annexure III of Tamil Nadu Leave Rules. After elaborate consideration of the impact of the relevant Rules as well as the judgment of another Division Bench of this Court in WA No.1285 of 2019., the Division



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Bench has concluded that even under Rule 69 or under any of the above Rules, the Government has no power to retain the monies particularly the Earned Leave Encashment, the General Provident Fund and the Family Benefit Fund, even in cases where the employee is not allowed to retire due to pendency of the criminal proceedings.

7. Useful reference can be made to the judgment of the Division Bench in State of Tamil Nadu, Rep. by its Secretary to Government, Public Works Department, Secretariat, Fort St. George, Chennai and others v. V.Mahalingam, (WA No.1285 of 2019), wherein the another Division Bench of this Court had considered the question as to whether encashment of Earned Leave can be given to a Government servant who is facing the criminal charges. On interpretation of Rule 21 of the Tamil Nadu Pension Rules and Rule 56(1) of the Fundamental Rules, the Division Bench in its judgment had held as follows:

“7. Rule 21 of the Tamil Nadu Pension Rules, 1978, is extracted below:-

“21. Forfeiture of service on dismissal or removal:- Dismissal or removal of Government Servant from a service or post entails forfeiture of his past service.” The Learned Special Government Pleader submits that the forfeiture of past service of a Government Servant on his dismissal or removal from a post entails that no benefits arising out of service could be claimed by him. It must be remembered that the aforesaid rule has to be read in the context of the Tamil Nadu Pension Rules, 1978, where it is



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found, and cannot be extended beyond its scope. Viewed in that perspective, what has been meant to be conveyed by 'forfeiture' in the said rule is that a Government Servant, who has been dismissed or removed from service, would not be entitled to claim pension relying on his past service. As such, it would be far fetched to read that provision as if all other monetary benefits that have already accrued to him during service would also be lost or deprived.

8. Next, Rule 69 of the Tamil Nadu Pension Rules, 1978, relates to payment of provisional pension when disciplinary proceedings are pending and there is nothing mentioned anywhere in that rule about earned leave and as such, the same does not have any relevance to the issue now under consideration.

9. It is apparent on a reading of Rule 56(1)(c) of the Fundamental Rules that it empowers to continue in service, a Government Servant, who has attained the age of superannuation, till the completion of disciplinary proceedings or criminal prosecution, so that depending on its outcome, a decision regarding imposing any penalty on such delinquent Government Servant could be taken, but there is nothing therein to infer that earned leave of the said Government Servant could be withheld during that period.””

The Division Bench, after relying upon the aforesaid judgment, ultimately, held as follows:

“9. A very reading of the Rule would show that it is only the gratuity that could be retained by the Government till the



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conclusion of the Departmental or Judicial proceedings. Therefore, at no stretch of imagination can it be said that the Government has a power to retain the Earned Leave Encashment, the General Provident Fund and the Family Benefit Fund. Though the respondent has couched his prayer in the Writ Petition in very wide terms, the Writ Court had taken care to confine it only to the Earned Leave Encashment, the General Provident Fund and the Family Benefit Fund ”

4. It is also brought to the notice of this Court that the Special leave Petition filed challenging the above writ appeal in W.A.No.579 of 2020 has also been dismissed. Since the petitioner herein has sought payment of his Earned Leave Encashment, the General Provident Fund and the Family Benefit Fund, the above referred judgment applies on all fours to the case in hand and therefore, this writ petition is ***allowed*** as prayed for and the respondent is directed to disburse the aforesaid amount to the petitioner within a period of six weeks from the date of receipt of a copy of this order. No costs.

05-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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P.T.ASHA, J.

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To
The Superintending Engineer
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