

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2015

CORAM

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.15593 of 2015

And

M.P.Nos.1 and 2 of 2015

G.Karunamoorthy

... Petitioner

Vs.

1. The District Collector,
Tiruppur District, Tiruppur.

2. The Revenue Divisional Officer,
Dharapuram,
Tiruppur District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned order passed by the 2nd respondent in his proceedings Na.Ka.No.5122/2007/E, dated 18.06.2014 and quash the same consequently directing the respondent to disburse the Gratuity, Special Provident Fund, General Provident Fund and Encashment of Earned Leave along with Unearned Leave on private affairs.

For Petitioner : Mr.C.Prakasam
For Respondents : Mr.K.Rajendraprasad
Government Advocate

सत्यमेव जयते
O R D E R

Heard both sides. Mr.K.Rajendraprasad, learned Government Advocate takes notice for the respondents. By consent the writ petition is taken up for final disposal.

2.The petitioner was a Village Administrative Officer. A criminal case under the Prevention of Corruption Act is pending against him in C.C.No.147 of 2011 before the Sub-Court at Coimbatore. In view of the same, the petitioner was not permitted to retire on 30.06.2013 and he was retained in service by exercising the power under Rule 56 of the Fundamental Rules. The petitioner requested to pay him the terminal benefits. The same was rejected by the order dated 18.06.2014. Hence, this writ petition is filed seeking to

quash the aforesaid order and for consequential direction to disburse the Gratuity, Special Provident Fund, General Provident Fund and Encashment of Earned Leave.

3. During the hearing of the writ petition, the learned counsel for the petitioner submitted that the petitioner would be satisfied if a direction is issued to the respondents to disburse the General Provident Fund and his contribution in Special Provident Fund and Encashment of Earned Leave since those benefits cannot be deprived to him even if he is ultimately dismissed from service.

4. In the circumstances, the writ petition is disposed of directing the first respondent to settle the General Provident Fund and his contribution in Special Provident Fund and Encashment of Earned Leave to the petitioner within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petitions are closed.

Pri

-s/d-
Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

1. The District Collector,
Tiruppur District, Tiruppur.
2. The Revenue Divisional Officer,
Dharapuram,
Tiruppur District.

+ 1 cc to Mr.C.Prakasam, Advocate SR 26282

+ 1 cc to Govt.Pleader SR 26537

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