

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2015

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THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.15594 of 2015

And

M.P.No.1 of 2015

C.Somburajan

... Petitioner

Vs.

1.The Secretary to Government,
Labour and Employment Department,
Fort St.George,
Chennai - 600 009.

2.The Commissioner of Labour,
DMS Campus, Teynampet,
Chennai - 600 006.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing respondents to disburse the petitioner's retirement benefits like Gratuity, Special Provident Fund, Earned Leave Salary and unearned Leave on private affairs benefits.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.K.Rajendraprasad
Government Advocate

O R D E R

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

2.The petitioner was a Joint Commissioner of Labour. He was not permitted to retire from service on 30.06.2014, on reaching the age of superannuation, by invoking the power under Rule 56 of the Fundamental Rules since he is facing a corruption case. He is also placed under suspension.

3.In the circumstances, the petitioner has filed this writ petition seeking for a direction to the respondents to disburse the

petitioner's retirement benefits like Gratuity, Special Provident Fund, Earned Leave Salary and unearned Leave on private affairs benefits.

4.The learned counsel for the petitioner submitted that even if the petitioner is ultimately dismissed from service, the petitioner is entitled to his contribution to Special Provident Fund and Earned Leave Encashment benefits. When the respondents settled the General Provident Fund, they should have also settled the petitioner's contribution to Special Provident Fund and Earned Leave Encashment benefits.

5.I am in agreement with the submission made by the learned counsel for the petitioner. Hence, a direction is issued to the first respondent to settle the petitioner's contribution to Special Provident Fund and Earned Leave Encashment benefits to the petitioner within a period of three months from the date of receipt of a copy of this order.

6.The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

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To

1.The Secretary to Government,
Labour and Employment Department,
Fort St.George, Chennai - 600 009.

2.The Commissioner of Labour,
DMS Campus, Teynampet,
Chennai - 600 006.

1 cc to M/s.C. Prakasam, Advocate, Sr. 26283

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