

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2015

CORAM

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.15601 of 2015

And

M.P.No.1 of 2015

N.Mathi

... Petitioner

Vs.

The Revenue Divisional Officer,
Tiruvallur,
Tiruvallur District.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing respondents to disburse the Gratuity, Special Provident Fund, General Provident Fund and Encashment of Earned Leave along with Unearned Leave on private affairs to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.K.Rajendraprasad
Government Advocate

O R D E R

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

2.The petitioner was a Village Administrative Officer. He was not permitted to retire from service on 31.07.2013, on reaching the age of superannuation, and retained in service by invoking the power under Rule 56 of the Fundamental Rules since he is facing a criminal case relating to corruption charges.

3.In the circumstances, the petitioner has filed this writ petition seeking for a direction to the respondent to disburse the Gratuity, Special Provident Fund, General Provident Fund and Earned Leave Encashment benefits.

4.The learned counsel for the petitioner submitted that the petitioner is not entitled to Pension and Gratuity if he is dismissed from service. Hence, he does not press for the claim relating to

Pension and Gratuity. According to him, even if the petitioner is ultimately dismissed from service, he is entitled to his contribution to General Provident Fund, his contribution to Special Provident Fund and Earned Leave Encashment benefits as those items are his properties.

5.I am in agreement with the submission made by the learned counsel for the petitioner. Hence, a direction is issued to the respondent to settle the General Provident Fund, his contribution to Special Provident Fund and Earned Leave Encashment benefits to the petitioner within a period of eight weeks 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/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

The Revenue Divisional Officer,
Tiruvallur,
Tiruvallur District.

+1 cc to M/s.C.Prakasam, Advocate,SR.26295.

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