

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2015

CORAM:

THE HON'BLE MR.JUSTICE D. HARIPARANTHAMAN

W.P.No.15846 of 2015
and M.P.Nos.1 and 2 of 2015

R.Thirumalaisamy

.. 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 for the issuance of Writ of Certiorarified Mandamus calling for the entire records relating to the impugned order passed by the second respondent in his proceedings Na.Ka.121/2009/E, dated 18.06.2014, and quash the same consequently directing the respondents 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 : Ms.M.E.Rani Selvam
Addl. Government Pleader

सत्यमेव जयते
O R D E R

Heard both sides. Ms.M.E.Rani Selvam, learned Additional Government Pleader takes notice for the respondents. By consent of both the parties, the writ petition is taken up for final disposal.

2. The petitioner was working as Village Administrative Officer. He was suspended from service on 06.01.2009 and reinstated into service on 11.12.2012. He was not allowed to retire from service on 28.02.2013 on reaching the age of superannuation by invoking Rule 56 (1)(c) of the Fundamental Rules and he was also placed under suspension.

3. Seeking retirement benefits, the petitioner approached this Court in W.P.No.30596 of 2013. This Court, by an order dated 12.11.2013, directed the second respondent herein to consider and pass appropriate orders on his representation dated 12.10.2013.

4. Now the second respondent rejected his claim by the order dated 18.06.2014. Challenging the same and also seeking a direction to the respondents to disburse his Gratuity, Special Provident Fund, General Provident Fund, Encashment of Earned Leave along with Unearned Leave on private affairs benefits, the petitioner is before this Court.

5. 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, Earned Leave Encashment benefits and GPF.

6. 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, Earned Leave Encashment benefits and GPF to him, if not already paid, within a period of four weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Tiruppur District, Tiruppur.

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

+1cc to Mr.C. Prakasam, Advocate, S.R.No.27271
+1cc to the Government Pleader, S.R.No.27200

KGK(CO)
EU(19/06/2015)

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