

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2015

CORAM

THE HONOURABLE MR.JUSTICE D. HARIPARANTHAMAN

W.P.No.16100 of 2015

and

M.P.No.1 of 2015

R.Vasudevan

.. Petitioner

Vs.

The Assistant Director of Survey
and Land Records,
Tiruvallur, Tiruvallur District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, 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 to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondent : Mrs.M.E.Raniselvam,
Additional Government Pleader

ORDER

With the consent of both parties, the main writ petition itself is taken up for final disposal.

2. The prayer in the writ petition is to direct the respondent 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.

3. The petitioner was appointed as a Surveyor in the Survey and Land Records Department in the year 1983 and subsequently he was promoted as a Field Surveyor. He was not allowed to retire from service when he reached the age of superannuation by passing an order dated 26.02.2010 under Rule 56 (1) (C) of the Fundamental Rules.

4. Though the petitioner sought for a direction to disburse the Gratuity and DCRG also in the writ petition, the learned counsel appearing for the petitioner has submitted that the petitioner is not pressing the claim for Gratuity and DCRG as he is not entitled to claim the same till the disposal of the criminal case and the final order is passed based thereon.

5. The claim of the petitioner is to disburse the General Provident Fund, contribution of the petitioner to Special Provident Fund and the Earned Leave Encashment, since these items are properties of the petitioner.

6. I am in agreement with the submission of the learned counsel for the petitioner. These items could not be denied to the petitioner, even if he is ultimately dismissed from service. Hence, a direction is issued to the respondent to settle the General Provident Fund, the contribution of the petitioner to Special Provident Fund and the Earned Leave Encashment benefit, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

The Assistant Director of Survey
and Land Records,
Tiruvallur, Tiruvallur District.

+1 cc to Mr.C.Prakasam, Advocate,SR.27569

+1 cc to Government Pleader,SR.27452.

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