

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2015

CORAM:

THE HON'BLE MR.JUSTICE D. HARIPARANTHAMAN

W.P.No.17067 of 2015
and M.P.No.1 of 2015

S.Parthiban

.. Petitioner

vs.

The Assistant Director of Survey and Land Records,
Tiruvallur.

.. Respondent

* * *

PRAYER : Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus directing the respondent to disburse the Gratuity, Special Provident Fund, Encashment of Earned Leave and Encashment of Unearned Leave on private affairs to the petitioner.

* * *

For Petitioner : Mr.C.Prakasam

For Respondents : Ms.M.E.Rani Selvam
Addl. Government Pleader

O R D E R

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

2. The petitioner was working as Sub Inspector of Survey, Town Surveyor in Madhavaram. He was suspended from service on 01.04.2013. The petitioner reached the age of superannuation on 31.12.2014. However, he was not allowed to retire from service on 28.02.2013 by invoking Rule 56(1)(c) of the Fundamental Rules pending criminal case. In those circumstances, the petitioner has filed this writ petition seeking for a direction to the respondent to disburse the Gratuity, Special Provident Fund, Encashment of Earned Leave and Encashment of Unearned Leave on private affairs to the petitioner.

3. However, when the matter is taken up for hearing, the learned counsel for the petitioner has fairly submitted that the petitioner does not press his claim for DCRG and Unearned Leave on private affairs, since he could not get the same, if he is dismissed from service ultimately.

4. However, the learned counsel for the petitioner submitted that even if the petitioner is ultimately dismissed from service, the petitioner is entitled to GPF, his 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 respondent to settle the GPF, petitioner's contribution to Special Provident Fund and Earned Leave Encashment benefits to him, if not already paid, within a period of four weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

The Assistant Director of
Survey and Land Records,
Tiruvallur.

+1 cc to Mr.C.Prakasam, Advocate, SR.29648.

Rv(co)
krd 23/6

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