IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2015

CORAM:

THE HON'BLE MR.JUSTICE D. HARIPARANTHAMAN

W.P.No.17069 of 2015
and M.P.No.1 of 2015

P.Elangovan .. Petitioner

vs.

1. The Secretary to Government,
Municipal Administration and Water Supply
(ME-2) Department, Fort St. George,
Chennai - 600 009.

2. The Commissioner,
Municipal Administration and Water
Supply Department,
Chepauk, Chennai - 600 005. .. Respondents

* * *

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 Executive Engineer in the office of the second respondent. He was suspended from service on 31.07.2006. The petitioner reached the age of superannuation on the same day. However, he was not allowed to retire from service 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.

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

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 respondents 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

1. The Secretary to Government,
   Municipal Administration and Water Supply
   (ME-2) Department, Fort St. George,
   Chennai - 600 009.

2. The Commissioner,
   Municipal Administration and Water
   Supply Department,
   Chepauk, Chennai - 600 005.

+1 cc to Mr.C.Prakasam, Advocate,SR.29649.

Rv(co)
krd 23/6

W.P.No.17069 of 2015
M.P.No.1 of 2015

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/