

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2015

CORAM

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.17512 of 2015

R.Chithravelu,
Co-operative Sub Registrar,
O/o.The Deputy Registrar (PDS),
Nagapattinam.

... Petitioner

. Vs .

1. The Joint Registrar of Co-operative Societies,
Nagapattinam Region,
Nagapattinam.
2. The Deputy Registrar of Co-operative Societies,
Nagapattinam Circle,
Nagapattinam.

.... Respondents

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 sanction and settle the personal benefits like General Provident Fund, Special Provident Fund and Encashment of Earned Leave / Private Affairs at the credit of the petitioner as on 30.4.2014 within a reasonable period as may be fixed by this Court.

For Petitioner : Mr.T.Ranganathan

For Respondents : Mr.D.Venkatachalam,
Government Advocate

ORDER

The petitioner was working as a Co-operative Sub-Registrar under the second respondent. He reached the age of superannuation on 30.04.2014. But he was not permitted to retire pending departmental action. Now, he has filed this writ petition seeking for a direction to the respondents to pay him General Provident Fund, his contribution to Special Provident Fund and Encashment of Earned Leave.

2. According to the petitioner, he is entitled to receive these items even if he is ultimately dismissed from service. I am in agreement with the submission of the learned counsel for the petitioner. It is useful to refer to a Full Bench judgment of the Punjab and Haryana High Court dated 09.11.2012 in Letters Patent Appeal No.113 of 2012 in Punjab State Civil Supplies Corporation Ltd., and others Vs. Pyare Lal. The relevant portions are extracted hereunder:-

"10.

Before we go into the legal sanctity of the circular, it must be remembered that the Leave Encashment is paid on account of unutilized leave and therefore, it partakes the character of salary.

12. We are, therefore, in agreement with the view taken by the Division Bench of this Court in B.S.Gupta's case (supra) holding that amount of leave encashment is payable to the retiring employee notwithstanding the pendency of the departmental enquiry or criminal proceedings"

I am of the view that the same principle would apply in the case of payment of General Provident Fund and contribution of the Government employee to Special Provident Fund also.

3. Hence, a direction is issued to the first respondent to settle the General Provident Fund, contribution of the petitioner to Special Provident Fund and Earned Leave Encashment, within a period of six weeks from the date of receipt of a copy of this order.

4. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

jrl

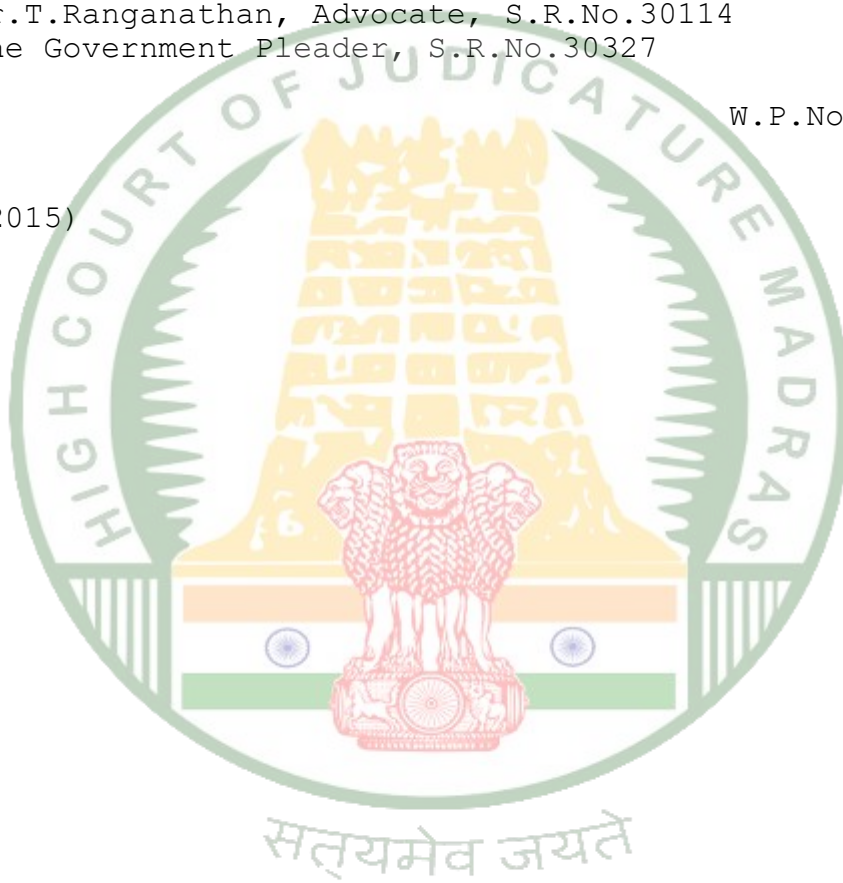
To

1. The Joint Registrar of Co-operative Societies,
Nagapattinam Region,
Nagapattinam.
2. The Deputy Registrar of Co-operative Societies,
Nagapattinam Circle,
Nagapattinam.

+lcc to Mr.T.Ranganathan, Advocate, S.R.No.30114
+lcc to the Government Pleader, S.R.No.30327

W.P.No.17512 of 2015

KJI (CO)
CA(30/06/2015)



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