

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.20456 of 2015

K.G.Umapathy

...Petitioner

vs.

1.The Commissioner of Municipal Administration,
Chepauk, Chennai - 600 005.

2.The Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Chennai - 60 0009.

...Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus, directing the 1st and 2nd respondents to settle the audit objections said to be pending against the petitioner for which only he was placed under suspension on 24.02.2011 and also direct the 1st respondent to release the General Provident Fund, Special Provident Fund and Encashment of Earned Leave at his credit as on 28.02.2011 the date of superannuation within a reasonable period.

For Petitioner : Mr.T.Ranganathan

For Respondents : Mr.S.Gunasekaran
Govt.Advocate

O R D E R

In view of the narrow prayer made by the petitioner, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner was working as Municipal Commissioner. He reached the age of superannuation on 28.02.2011. While so, the second respondent passed an order on 24.02.2011 not permitting the petitioner to retire from service and he was placed under suspension. In these circumstances, the petitioner has filed this writ petition seeking for a direction to the respondents to release General Provident fund, Special Provident Fund and Encashment of Earned Leave at his credit.

3. The learned counsel for the petitioner would submit that even if the petitioner is ultimately dismissed from service, he cannot be deprived of General Provident Fund, his contribution towards Special Provident Fund and Encashment of Earned Leave.

4. I am in agreement with the submission made by the learned counsel for the petitioner. As rightly contended by the learned counsel for the petitioner, the petitioner cannot be deprived of General Provident Fund, his contribution towards Special Provident Fund and Encashment of Earned Leave, as those are the properties of the workman.

5. In view of the same, a direction is issued to the respondents to disburse General Provident Fund and Encashment of Earned Leave at his credit. As far as Special Provident Fund is concerned, the respondents are directed to refund the same, if there is any contribution made by the petitioner. The respondents are directed to disburse the aforesaid amount, within a period of four weeks from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

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To

- 1.The Commissioner of Municipal Administration,
Chepauk, Chennai - 600 005.
- 2.The Secretary to Government,
Municipal Administration and Water Supply Department,
Secretariat, Chennai - 60 0009.

- 1 cc to Mr.T. Ranganathan, Advocate, sr. 34601
1 cc to Government Pleader, Sr. 35041

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AD (CO)
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