IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.07.2015

CORAM

The Honourable Mr.JUSTICE D. HARIPARANTHAMAN

Writ Petition No.20530 of 2015

T.M.Subramaniam ... Petitioner

Vs.

1. The District Collector,
Erode District, Erode.

2. The Revenue Divisional Officer,
Gobichettipalayam, Erode District. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondent to disburse the Gratuity, General Provident Fund, Special Provident Fund, Encashment of Earned Leave and Encashment of Un-earned Leave on private affairs to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.S.Gunasekaran,
Government Advocate.

O R D E R

Mr.S.Gunasekaran, learned Government Advocate takes notice for the respondents.

2. With consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

3. The petitioner was working as a Village Administrative Officer at Santhipalayam. He was to retire from service on 30.04.2010 but he was not permitted to retire. The grievance of the petitioner is that he is not settled with D.C.R.G., G.P.F., Spl.P.F. Encashment of Earned Leave benefits etc.

WEB COPY

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

4. The petitioner has filed the writ petition seeking a direction to the respondents to settle the aforesaid benefits. At the time of hearing the writ petition, learned counsel for the petitioner fairly submitted that since the disciplinary proceedings are pending and the petitioner is not permitted to retire from service and now, he is not pressing the claim for gratuity. He further submitted that in the event of the disciplinary proceedings resulting in passing of the dismissal order, he would not get gratuity.

5. However, in the case of other benefits, even in the case of dismissal, he is entitled to receive the same. 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 benefits, 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 closed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The District Collector,
   Erode District, Erode.

2. The Revenue Divisional Officer,
   Gobichettipalayam, Erode District.

+1cc to Mr.C.Prakasam, Advocate, S.R.No.35178
+1cc to the Government Pleader, S.R.No.35135

W.P.No.20530 of 2015

BR(CO)
CA(23/07/2015)

WEB COPY

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