

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2015

CORAM

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.21500 of 2015

K.Tamilselvan

... Petitioner

Vs.

1 The District Collector
Dharmapuri District Dharmapuri.

2 The District Revenue Officer
Dharmapuri District Dharmapuri.

3 The Revenue Divisional Officer
Dharmapuri Dharmapuri District.

4 The Tahsildar
Dharmapuri Taluk Dharmapuri.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay the retirement benefits such as Provident Fund, Special Provident Fund, Gratuity, Earned Leave benefits and unearned leave benefits etc. to the petitioner.

For Petitioner : Mr.Nagarathinam

For Respondents : Mrs.M.E.Rani Selvam
Additional Government Pleader

ORDER

Heard both sides. By consent the writ petition is taken up for final disposal.

2.The petitioner was a Village Administrative Officer. A criminal case registered against him under Section 7 and 13(1)(d) r/w 13(2) of Prevention of Corruption Act is pending against him. He was convicted by the trial Court and hence, he was removed from service by an order dated 24.10.2001. The petitioner questioned the

aforesaid order in O.A.No.3171 of 2003 (W.P.No.16725 of 2007) and the same is pending on the file of this Court. The grievance of the petitioner is that he is not paid his contribution to Special Provident Fund, General Provident Fund and Encashment of Earned Leave, which according to him, are his properties and the same cannot be deprived to him even in the case of dismissal from service.

3.Though the petitioner has also sought for unearned leave benefits, during the hearing of the writ petition, the learned counsel for the petitioner fairly submitted that the petitioner would be satisfied if a direction is issued to the respondents to settle the General Provident Fund and his contribution to Special Provident Fund and Encashment of Earned Leave since those benefits cannot be deprived to him even in the case of dismissal from service.

4.In the circumstances, the writ petition is disposed of directing the first respondent to settle the General Provident Fund and his contribution to Special Provident Fund and Encashment of Earned Leave to the petitioner as these benefits are the properties of the petitioner, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

- 1 The District Collector
Dharmapuri District Dharmapuri.
- 2 The District Revenue Officer
Dharmapuri District Dharmapuri.
- 3 The Revenue Divisional Officer
Dharmapuri Dharmapuri District.
- 4 The Tahsildar
Dharmapuri Taluk Dharmapuri.

+1cc to The Government pleader sr.no.36687
+1cc to Mr.A.Nagarathnam sr.no.36628

W.P.No.21500 of 2015

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srg 31.07