

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.21619 of 2015

K.Madhavan

...Petitioner

vs.

The Assistant Director of Survey
and Land Records, Chennai -1.

...Respondent

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus, directing the respondent to disburse the General Provident Fund, Special Provident Fund, Encashment of Earned Leave and Encashment of Unearned Leave on private affairs to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.K.V.Dhanapalan
Addl.Govt.Pleader

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 Sub-Inspector of Survey. He reached the age of superannuation on 28.06.2011, but he was not permitted to retire from service and till today, no retirement benefits has been disbursed. In these circumstances, the petitioner has filed this writ petition, seeking for a direction to the respondent to disburse the General Provident Fund, Special Provident Fund, Encashment of Earned Leave and Encashment of Unearned Leave on private affairs to the petitioner.

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 respondent to disburse General Provident Fund and Encashment of Earned Leave at his credit. As far as Special Provident Fund is concerned, the respondent is directed to refund the same, if there is any contribution made by the petitioner. The respondent is directed to disburse the aforesaid amounts, within a period of eight weeks from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. No costs. M.P.No.1 of 2015 is closed.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

svki

To

The Assistant Director of Survey
and Land Records, Chennai -1.

1 CC to Mr.C.Prakasam, Advocate SR.No. 36634

1 CC to the Government Pleader, SR.No. 36651

W.P.No.21619 of 2015

PSI (03.08.2015)

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