

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.21699 of 2015
and M.P.No.1 of 2015

M.Navanithi

... Petitioner

-Versus-

The District Collector,
Erode District,
Erode.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India for the relief of issuance of Writ of Mandamus, directing the respondent to disburse the 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 respondent : Mr.S.Gunasekaran, GA

ORDER

The petitioner was a Village Administrative Officer. While he was in service, a criminal case was registered against him under the Prevention of Corruption Act. Subsequently, the respondent by his proceedings dated 02.08.2005, placed the petitioner under suspension on the ground that he has involved in a corruption case.

2. According to the petitioner, he was due to retire on 30.06.2009 on reaching the age of superannuation, but, he was not permitted to retire from service on account of the pendency of the criminal case. Now, he is struggling for his livelihood. Though he made a representation to the respondent praying to settle him the terminal benefits, such as, General Provident Fund, Special Provident Fund, Encashment of Earned Leave and Encashment of Un-Earned Leave on Private Affairs, till date, there has been no response. Hence, he has come forward with this writ petition seeking for a mandamus directing the respondent to disburse the above terminal benefits to the petitioner.

3. I have heard the submissions made on either side and also perused the record carefully.

4. No doubt, the terminal benefits, such as GPF, SPF, Encashment of Earned and Un-Earned Leave are the properties of the petitioner and the same cannot be withheld by the State. Even assuming that he was dismissed from service, he is entitled to receive the same. In these circumstances, I am inclined to issue a direction to the respondent as prayed for.

5. In the result, this writ petition is disposed of with a direction to the respondent to disburse the General Provident Fund, the contribution made by the petitioner to the Special Provident Fund, Encashment of Earned Leave and Encashment of Un-Earned Leave on Private Affairs payable to the petitioner within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected MP is closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

kmk

To

1.The District Collector,
Erode District, Erode.

1 cc to Mr.C. Prakasam, Advocate, sR. 37266
1 cc to Government Pleader, Sr. 37052

W.P.No.21699 of 2015

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