

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.22531 of 2015

N.Dayalan

...Petitioner

vs.

1.The Secretary to Government,
Revenue Department,
Secretariat, Fort St.George,
Chennai - 600 009.

2.The Joint Director,
Central Survey Office,
Chepauk, Chennai - 600 005.

...Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus, directing the respondents herein to consider the petitioner representation dated 06.03.2015 and pass orders on the same in accordance with law.

For Petitioner : Ms.R.Anitha for
M/s.Ram and Raj Associates

For Respondents : Ms.M.E.Raniselvam
Addl.Govt.Pleader

सत्यमेव जयते
O R D E R

The petitioner was appointed as Junior Draftsman in Survey and Land Records Department. According to the petitioner, he was terminated from service and he is unaware of the date of termination. He requested the respondents to settle General Provident Fund, his contribution towards Special Provident Fund and Earned Leave Encashment benefits, to which he is entitled to. He made a representation in this regard. Since no order is passed, the petitioner has come up with this writ petition.

2. The learned counsel for the petitioner would submit that even if the petitioner is dismissed from service, he cannot be

deprived of General Provident Fund, his contribution towards Special Provident Fund and Encashment of Earned Leave.

3. 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.

4. In view of the same, a direction is issued to the respondents to disburse General Provident Fund, his contribution towards Special Provident and Encashment of Earned Leave at his credit, if those benefits are not settled so far, in accordance with law and also pay interest for the belated settlement, as per Rules or in the light of the judgment of the Division Bench of this Court reported in (2009) 3 MLJ 1 [Government of Tamil Nadu, rep. By the Secretary to Government, Revenue Department v. M.Deivasigamani], within a period of twelve weeks from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

svki

To

1. The Secretary to Government,
Revenue Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2. The Joint Director,
Central Survey Office,
Chepauk, Chennai - 600 005.

2 CCs to Ram & Raj Associates, Advocate SR.No. 38398

1 CC to the Government Pleader, SR.No. 38004

W.P.No.22531 of 2015

CTK (CO)

PSI (14.08.2015)