

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2015

CORAM:

THE HON'BLE MR.JUSTICE D. HARIPARANTHAMAN

W.P.No.23160 of 2015
and M.P.No.1 of 2015

R.Daniel

.. Petitioner

vs.

The Joint Commissioner of Police,
East Zone, Egmore,
Chennai - 8.

.. Respondent

PRAYER : 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 Respondents : Mr.V.Jayaprakash Narayanan
Special Government Pleader

O R D E R

The petitioner was working as Sub Inspector of Police. He was suspended from service on 28.05.2009. The petitioner reached the age of superannuation on 30.06.2014. However, he was not allowed to retire from service by invoking Rule 56(1)(c) of the Fundamental Rules pending criminal case. In those 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 him.

2. The learned counsel for the petitioner submitted that even if the petitioner is ultimately dismissed from service, the petitioner is entitled to GPF, his contribution to Special Provident Fund and Earned Leave Encashment benefits.

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, payment of GPF, Special Provident Fund, Encashment of Earned Leave and Encashment of Unearned Leave on

Private Affairs are concerned, the department cannot withhold the same, as those are the properties of the Government servant.

4. Hence, a direction is issued to the respondent to settle the GPF, petitioner's contribution to Special Provident Fund and Earned Leave Encashment benefits to him, if not already paid, within a period of four weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

gg

To

The Joint Commissioner of Police,
East Zone, Egmore,
Chennai - 8.

+1 cc to Mr.C.Prakasam, Advocate, sr.40807
+1 cc to The Government Pleader, sr.39800

skv(co)
kra(19/08)

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