

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.23619 of 2015

M.Nanjappan

... Petitioner

Vs.

1.The Revenue Divisional Officer
Dharmapuri

2.The Tahsildar
Dharmapuri

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to disburse the terminal benefits viz, special provident fund, leave encashment salary and provisional pension within a stipulated period as fixed by this Hon'ble Court.

For Petitioner : Mr.R.Ezhilarasan

For Respondents : Mr.R.Vijayakumar

Additional Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner who was a Village Assistant, Vellegoundan Palayam, Dharmapuri Taluk was placed under suspension on 15.06.2013 for the alleged commission of the offences punishable under the provisions of Prevention of Corruption Act, 1988 and though he attained superannuation on 30.06.2014, he was not allowed to retire from service vide order of the second respondent dated 30.06.2014. The grievance expressed by the petitioner is de hors the fact that he is facing a criminal prosecution, he is entitled to the terminal benefits such as special provident fund, leave encashment salary and provisional pension and hence, came forward to file this writ petition.

3.The learned counsel appearing for the petitioner would submit that in the light of the judgment rendered by the Hon'ble Supreme Court in (2013) 12 Supreme Court Cases 210 (State of Jharkhand and others versus Jitendra Kumar Srivastava and another) coupled with the order dated 06.04.2015 made in W.P.No.9882 of 2015 (R.Sakthi Versus

The Director of Survey and Land Records and another), the petitioner is entitled to the said relief.

4.Per contra, Mr.R.Vijayakumar, learned Additional Government Pleader who accepts notice on behalf of the respondents would submit that the petitioner has not even submitted a representation and as and when he submits such a representation, it may be considered by the respondents.

5.Though the petitioner prayed for a larger relief, this Court in the light of the facts and circumstances and without going into the merits of the same permits the petitioner to submit a representation praying for disbursement of General Provident Fund, Special Provident Fund and Leave Encashment to him within a period of two weeks from the date of receipt of a copy of this order and the respondents on receipt of the same is directed to consider the same, in accordance with law after taking into consideration the judgment rendered in (2013) 12 Supreme Court Cases 210 (State of Jharkhand and others versus Jitendra Kumar Srivastava and another) and pass orders within a period of twelve weeks thereafter and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

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To

1.The Revenue Divisional Officer
Dharmapuri

2.The Tahsildar
Dharmapuri.

1 cc to Mr.R.Ezhilarasan , Advocate Sr.No.40070
1 cc to Government Pleader.Sr.No. 40381

rsi(co)
pmk.21.08.2015

W.P.No.23619 of 2015