

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.23620 of 2015

K.Sarguru Mahadevan

... Petitioner

Vs.

1.State of Tamilnadu

Rep by its Secretary
Co-operative Department
Fort St.George, Chennai.

2.The Registrar

Office of the Registrar of Cooperative Societies
Kilpauk, Chennai - 600 010. ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to disburse all terminal benefits viz, General Provident Fund, Special Provident Fund, Leave encashment 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 the Joint Registrar of Co-operative Societies/ General Manager, Integrated Co-operative Development Project, Thanjavur is facing prosecution under Section 13(1)(e) and other provisions of Prevention of Corruption Act, 1988 for having amazed disproportionate assets to his known source of income in C.C.No.107 of 2004 pending on the file of the Jurisdictional Sub Court and he was placed under suspension vide order in G.O.(3D) No.25 Co-operation, Food and Consumer Protection (CE.2) Department dated 30.06.2005 and was not allowed to retire from service. The petitioner came forward to file this writ petition praying for disbursement of terminal benefits such as General Provident Fund, Special Provident Fund, Leave Encashment and provisional pension.

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 Secretary
Co-operative Department
Fort St.George, Chennai.

2.The Registrar
Office of the Registrar of Cooperative Societies
Kilpauk, Chennai - 600 010.

1 cc to Mr. R.Ezhilarasan , Advocate Sr.No.40071

1 cc to Government Pleader.Sr.No.40381

W.P.No.23620 of 2015

rsi (co)pmk.21.8.2015