

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.23623 of 2015

K.Ponnusamy

... Petitioner

Vs.

1.State of Tamilnadu
Rep by its Secretary
Revenue Administration Department
Chepauk, Chennai 600 005.

2.The District Collector
Salem.

... 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 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 was the Special Deputy Collector (Stamps), Salem District and he was arrested and remanded to Judicial Custody for the commission of offences under the provisions of Prevention of Corruption Act, 1988 in Crime No.6/AC/2011 and he was placed under suspension by the first respondent vide order in G.O.(2D) No.254 Revenue [Ser-2(1)] Department dated 24.06.2011 and he was not allowed to retire from service vide proceedings of the second respondent and the service of the petitioner was extended beyond the age of superannuation vide proceedings of the first respondent dated 30.01.2015 in G.O.(2D) No.51 Revenue [Ser-2(3)] Department. The petitioner came forward to file this writ petition praying for disbursement of terminal benefits such as 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
Revenue Administration Department
Chepauk, Chennai 600 005.

2.The District Collector
Salem.

1 cc to Mr. R.Ezhilarasan , Advocate Sr.No.40074
1 cc to Government Pleader.Sr.No.40381

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rsi (co)pmk.21.8.2015