

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Writ Petition No.24862 of 2015
and M.P.No.1 of 2015

M.Elangovan

... Petitioner

Vs.

Assistant Director of Survey & Land Records,
Villupuram, Villupuram District

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the order passed by the respondent, in his Proceedings Na.Ka.No.E1/2131/2014, dated 31.03.2015, quash the same and to direct the respondents to settle the terminal benefits to the petitioner, such as Death-cum-Retirement Gratuity, encashment of earned leave, commutation of pension, General Provident Fund and Special Provident Fund.

For Petitioner : Mr. P.Ganesan, for M/s.C.S.Associates
For Respondent : Mr. S.Gunasekaran, Government Advocate.

O R D E R

Admit. Mr. S.Gunasekaran, learned Government Advocate, takes notice for the respondent. By consent of the learned counsel for both sides, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner would state that, he joined as Surveyor under the Updating Registry Scheme at Tittagudi Taluk, on 01.12.1982. Subsequently, while he was posted and working at Thiyaadurgam Firka, Kallakurichi Taluk, Villupuram District, he was arrested and remanded in a criminal case, which pertains to the commission of offence under the provisions of The Prevention of Corruption Act, 1988. Subsequently, the petitioner was placed under suspension on and from 07.10.2004. Challenging the same, the petitioner filed W.P.No.11522 of 2006 and this Court has directed the concerned authority to review the order of suspension. However, the review order of suspension was rejected by the respondent.

3. In the interregnum, the petitioner has attained the age of superannuation on 31.08.2013 and on account of the pendency of the criminal prosecution, he was not allowed to retire and continue to languish under suspension. Therefore, the petitioner submitted a representation, dated 05.03.2015, praying for conferment of terminal benefits and it was rejected by the respondent vide order, dated 31.03.2015 on the ground that criminal case is still pending. Challenging the same, the petitioner has come forward to file this writ petition.

4. The learned counsel for the petitioner would submit that, de hors the suspension order, not permitting the petitioner to retire, the petitioner is entitled to his contribution for Pension and encashment of earned leave and therefore, prays to pass appropriate orders.

5. This Court heard the submissions of the learned counsel for the petitioner and Mr.S.Gunasekaran, learned Government Advocate, who accepts notice on behalf of the respondent.

6. Though the petitioner prayed for a larger relief, this Court, without going into the merits of the claim projected by the petitioner and in the light of the above facts and circumstances, directs the respondent to consider the request of the petitioner for the payment of Provident Fund Contribution made by him and Encashment of Earned Leave, ***Special Provident Fund** within a period of six weeks from the date of receipt of a copy of this order, and communicate the decision taken to the petitioner.

7. This writ petition is disposed of accordingly. No costs. Consequently, the connected MP is closed.

s/d-

Assistant Registrar(CS-IV)

***Corrected as per the
order of this Court dated
07/10/2015**

and made herein

-s/d-

Assistant Registrar(T &P)

dt:12/10/2015

True Copy

Sub-Assistant Registrar

WEB COPY

To

1. Assistant Director of Survey & (To be Substituted to the order
Land Records, (already despatched on 1/10/2015
Villupuram, Villupuram District (and made herein)

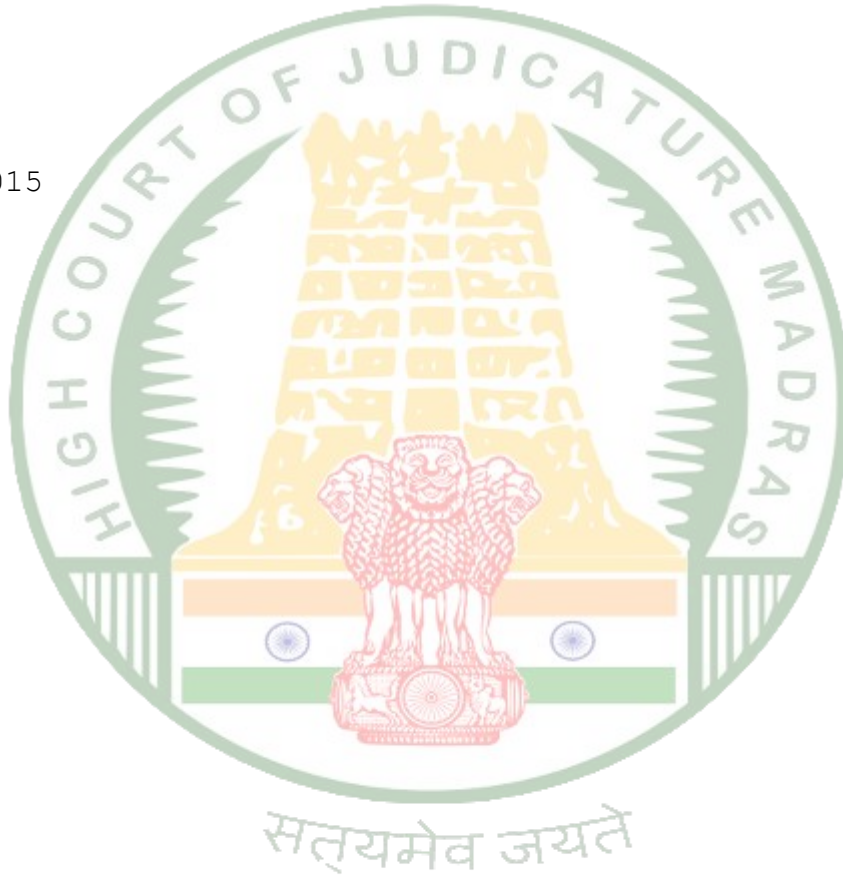
2. Special Judge cum Chief Judicial Magistrate, Villupuram

+ 1 cc to M/s.C.S.Associates Advocate SR ***54649**

+ 1 cc to Govt.Pleader SR ***54763**

W.P.No.24862 of 2015& M.P.No.1 of 2015

nm(co)
prk14/9
aa12/10/2015



WEB COPY