

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.25105 of 2015

M.Sivamani

.. Petitioner

Vs

The Revenue Divisional Officer,
Tiruthani, Thiruvallur District.

.. Respondent

Petition filed under Article 226 of The Constitution of India, praying for the issuance of a 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 Respondent .. Mr.V.Subbiah,
Spl. Govt. Pleader

ORDER

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

2.The petitioner, while working as Village Administrative Officer at Kaverirajapuram, Tiruthani Taluk, Thiruvallur District, was arrested and remanded to judicial custody for the alleged commission of the offences punishable under the provisions of the Prevention of Corruption Act, 1988 and was placed under suspension on the ground that he has been arrested in that case. Though the petitioner has attained the age of superannuation on 31.01.2012, he was not allowed to retire and his services were retained beyond the age of superannuation. The petitioner has submitted a representation praying for disbursement of General Provident Fund, Special Provident Fund, Encashment of Earned Leave and Encashment of Unearned Leave on private affairs and since it has not been given disposal, came forward to file this writ petition.

3.Mr.C.Prakasam, learned counsel appearing for the petitioner would contend that de hors the pendency of the criminal case as well as the departmental proceedings, there cannot be any impediment on the part of the respondent to disburse the said benefits and also

drawn the attention of this Court to the order dated 02.06.2015 made in W.P. No.15457 of 2015 and prays for similar relief.

4.Heard the submissions of Mr.V.Subbiah, learned Special Government Pleader, who accepts notice on behalf of the respondent.

5.This Court in the above order made in W.P.No.15457 of 2015, has held as under:

"6.I am in agreement with the submissions made by the learned counsel for the petitioner. As rightly contended by the learned counsel for the petitioner, payment of 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 workman.

7.In view of the same, a direction is issued to the respondents to disburse Encashment of Earned Leave and Encashment of Unearned Leave on Private Affairs. As far as Special Provident Fund is concerned, the respondents are directed to refund the same, if there is any contribution made by the petitioner. If petitioner has contributed towards other terminal benefits, the extent to the contribution made by the petitioner shall also be paid. The respondents are directed to disburse the aforesaid amount, within a period of six weeks from the date of receipt of a copy of this order.

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

6.Though the petitioner prayed for a larger relief, this Court, in the light of the facts and circumstances, directs the respondent to consider and dispose of the petitioner's representation dated 28.07.2015 on merits and in accordance with law, after taking note of the above cited order, and pass orders 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. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

mmi

To

The Revenue Divisional Officer,
Thiruthani, Thiruvallur District.

+1 cc to M/s.C.Prakasam, Advocate, sr.42855
+1 cc to Govt.Pleader, sr.42770

W.P.No.25105 of 2015

rsi(co)
kra(2/9)



WEB COPY