

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.25629 of 2015

and

M.P.No.1 of 2015

C.Chitrambalam .. Petitioner

Vs

Revenue Divisional Officer,
Villupuram, Villupuram District. .. Respondent

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 O.Mu.No.A1/1694/2014 dated 12.02.2015 and quash the same and direct the respondent to settle the terminal benefits to the petitioner such as Death-cum-Retirement Gratuity, encashment of earned leave, commutation of pension and special provident fund.

For Petitioner ... Mr.P.Ganesan,
for M/s. C.S. Associate
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, Villupuram Taluk, Villupuram District was arrested and remanded to judicial custody in Crime No.11 of 2004 registered by Vigilance and Anti-corruption , Cuddalore, for the alleged commission of the offence under Sections 7 and 13(2) r/w 13(1)(d) of Prevention of Corruption Act. The petitioner was placed under suspension and on attaining the age of superannuation on 31.03.2011, vide proceedings of the respondent dated 31.03.2011, he was not allowed to retire. The grievance expressed by the petitioner is that de hors the pendency of the criminal prosecution and departmental proceedings, he is entitled to his portion of provident fund, encashment of earned leave and special provident fund and though he has submitted a representation in this regard, it was rejected on 12.02.2015 and challenging the legality of the same, came forward to file this writ petition.

3.Heard the submissions of Mr.P.Ganesan, learned counsel appearing for the petitioner and Mr.V.Subbiah, learned Special Government Pleader, who accepts notice on behalf of the respondent.

4.No doubt, the criminal prosecution launched against the petitioner is pending on the file of the Special Court for Trial of Cases under the Prevention of Corruption Act/Chief Judicial Magistrate, Villupuram. De hors the pendency of the criminal prosecution, the petitioner is entitled to his contribution made to provident fund, special provident fund, if any and encashment of earned leave.

5.In the light of the facts and circumstances, the impugned order passed by the respondent dated 12.02.2015 is set aside and the matter is once again remanded to the respondent, who shall consider the request made by the petitioner for payment of his contribution made to provident fund, special provident fund and encashment of earned leave and pass orders within a period of six weeks from the date of receipt of a copy of this order.

6.In the result, the writ petition is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

7.The Special Court for Trial of Cases under the Prevention of Corruption Act/Chief Judicial Magistrate, Villupuram is directed to accord priority for early disposal of the Spl. C.C. No.3 of 2005 pending on its file.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mmi
To

- 1.The Revenue Divisional Officer,
Villupuram, Villupuram District.
- 2.The Special Court for Trial of Cases
under the Prevention of Corruption
Act/Chief Judicial Magistrate, Villupuram.

+ 1 cc to M/s. C.S. Associate Advocate SR.43410
+ 1 cc to Government Pleader Sr.43822

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RSI (CO)
Eu 08.09.15