

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.25911 of 2015
and M.P.No.1 of 2015

J.Selvaraju

.. Petitioner

Vs.

Revenue Divisional Officer,
Villupuram,
Villupuram District.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the respondent in his Proceedings O.Mu.No.A1/1666/2014 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.C.Vediappan for
M/s.C.S.Associates.

For Respondent : Mr.V.Subbiah,
Special Government Pleader

O R D E R

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

2. The petitioner, while working as Village Administrative Officer at Bommaiarpalayam Village, Vanur Taluk, Villupuram District, was arrested with regard to the commission of offences under the Prevention of Corruption Act and he was placed under suspension on 08.08.2008. The petitioner submitted a representation to the respondent seeking revocation of the order of suspension and it was rejected by the respondent, vide order dated 02.07.2009. While so, the petitioner reached the age of superannuation on 31.10.2011 and a separate order was passed under Fundamental Rule 56(1)(c), not permitting the petitioner to retire, but to continue beyond the age of superannuation. The grievance expressed by the petitioner is that though he is facing criminal prosecution and also departmental proceedings, he is entitled to get his contribution towards Provident Fund, Leave Encashment and it has not been paid and therefore, he

submitted a representation dated 10.09.2014 requesting to settle his terminal benefits and it was rejected, vide impugned order dated 12.02.2015 passed by the respondent on the ground that the order relied on by the petitioner has no application. The petitioner, challenging the legality of the same, came forward to file this writ petition.

3. The learned counsel appearing for the petitioner would submit that in similar facts and circumstances, this Court, vide order dated 11.02.2014 made in W.P.No.3935/2014 has directed the concerned respondents to settle the terminal benefits to the petitioner therein and hence, prays for similar relief.

4. Heard Mr.V.Subbiah, learned Special Government Pleader, who accepts notice for the respondent.

5. This court, upon considering the rival submissions and on going through the materials placed before it, is of the view that dehors the pendency of criminal prosecution as well as departmental proceedings, the petitioner is entitled to get his contribution towards Provident Fund as well as Leave Encashment which is lying to his credit.

6. In the result, this Writ Petition is partly allowed and the impugned order in O.Mu.No.A1/1666/2014 passed by the respondent dated 12.02.2015 is set aside and the respondent is directed to consider the claim of the petitioner for payment of his contribution towards Provident Fund as well as Encashment of Surrender Leave and ***Special Provident Fund** 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.

7. * No costs. Consequently, connected miscellaneous petition is closed.

jvm

Sd/-

Assistant Registrar (CS-II)

Dated : 04.09.2015

***Corrected and deleted as per
order dated 25.09.2015 made
in W.P.No.25911 of 2015
Sd/- Assistant Registrar (CS-II)
Dated : 12.10.2015**

True Copy

Sub-Assistant Registrar

To

Revenue Divisional Officer,
Villupuram,
Villupuram District.

To be substituted to the order
already despatched on
21.09.2015

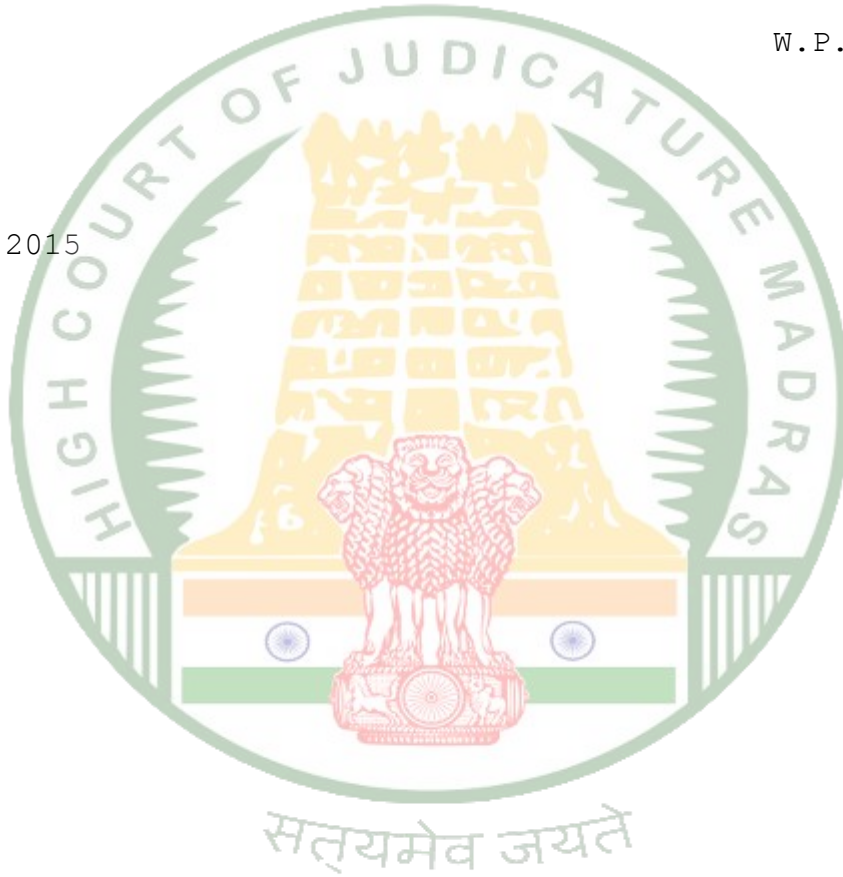
+ 1 cc to M/s.C.S.Associates, Advocate SR 52724

+ 1 cc to Government Pleader, SR 52415

W.P.No.25911 of 2015

sv(co)
prk7/9

VGI [CO]
PSI 13.10.2015



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