

In the High Court of Judicature at Madras

Dated: 12.10.2015

Coram

The Honourable Mr.JUSTICE M.SATHYANARAYANAN

Writ Petition No.26796 of 2015

R.Shanmugam

.. Petitioner

Vs.

The Assistant Director of Survey
and Land Records,
Collectorate, 7th Floor
Chennai - 1.

.. Respondent

PETITION under Article 226 of The Constitution of India praying for issuance of 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 in a time bound manner.

For Petitioner : Mr.C.Sivakumar

For Respondents : Mr.V.Subbiah, Spl.G.P.

O R D E R

By consent, the Writ Petition is taken up for final disposal.

2. The petitioner, who is working as a Field Assistant in the services of the Survey Department, which is under the control of the respondent, was placed under suspension on 28.11.2007 for the alleged commission of offence under the provisions of the Prevention of Corruption Act for demanding and accepting illegal gratification to do an official act. The petitioner would state that the criminal case, after investigation, has culminated into charge sheet which was taken on file in C.C.No.114 of 2011 on the file of the jurisdictional Special Court and he and another accused was acquitted vide judgment of the Trial Court dated 31.10.2013. Though the petitioner has attained the age of superannuation on 31.12.2013, he was not permitted to retire and his services were also extended.

3. The grievance now expressed by the petitioner is that he was paid only with subsistence allowance and he was not provided with the benefits, viz., General Provident Fund, Special Provident Fund and

Encashment of Earned Leave and unearned leave on private affairs and hence came forward to file this Writ Petition.

4. Learned counsel appearing for the petitioner would submit that de hors the pendency of the disciplinary proceedings, the petitioner is entitled to get the above said benefits and hence prays for appropriate orders.

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

6. Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances, permits the petitioner to submit a comprehensive representation praying for settlement of the above benefits and also for revocation of suspension and permission to retire within a period of two weeks from the date of receipt of a copy of this order to the respondent, who, on receipt of the same, shall consider the said representation and pass orders on merits and in accordance with law within a period of four weeks thereafter and communicate the decision taken, to the petitioner.

The Writ Petition is disposed of accordingly. No costs.

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Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub-Assistant Registrar

To

The Assistant Director of Survey
and Land Records,
Collectorate, 7th Floor
Chennai - 1.

+1 C.C. To MR.C.Sivakumar, Advocate in SR.NO.55777

+1 C.C. To Government Pleader in SR.NO.55956

Writ Petition No.26796 of 2015

CTK(CO)

sd : 28/10/2015