

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.27430 of 2015

E.Paneerselvam

...Petitioner

v.

1 The District Collector
Kancheepuram District.

2 The Revenue Divisional Officer
Kancheepuram.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to disburse the General Provident Fund, Special Provident Fund, Encashment of Earned Leave to the petitioner within a stipulated time and grant such other further relief as this Honourable Court.

For Petitioner : Mr.K.Venkataramani,
Sr. Counsel for M/s.Muthappan

For Respondents : Mr.V.Subbiah,
Spl. Govt. Pleader

सत्यमेव जयते

O R D E R

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

2. The petitioner, while working as Village Administrative Officer of Sirudampur Village, Uthiramerur Taluk was arrested for the offences punishable under sections 7 and 13(2) r/w 13(1)(d) of

PC Act, 1988 in Crime No.5/2008 registered by V & AC Detachment Wing, Kancheepuram District, for an allegation that he has demanded Rs.3,000/- to be paid as bribe for making a survey and earmark the boundaries of the land owned by the defacto complainant Varalakshmi in Survey No.108/1B of Thirumandhal Village, Uthiramerur Taluk, Kancheepuram District. The petitioner was placed under suspension on 29.08.2008 and thereafter, he was reinstated in service. As the petitioner due for superannuation on 31.7.2014, the second respondent passed an order dated 28.7.2014 and not permitted him to retire and also placed him under suspension.

3. The grievance of the petitioner is that on account of the said fact the terminal benefits have been withheld and therefore, submitted a representation dated 20.08.2015 to the first respondent and prayed for disbursal of the Death-cum-Retirement Gratuity, General Provident Fund, Special Provident Fund and Encashment of Earned Leave and since no orders have been passed, came forward to file this writ petition.

4. Mr.K.Venkataramani, learned Senior Counsel appearing for the petitioner would submit that with regard to criminal pendency and departmental action, the petitioner was not allowed to retire from service but the repetition is entitled to receive the Special Provident Fund, General Provident Fund and Encashment of Earned Leave and though in this regard, a representation was submitted to the first respondent no orders have been passed and hence, prays for appropriate orders and also drawn the attention of this court to the order dated 3.6.2015 made in W.P.No.15601 of 2015.

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

6. Though the petitioner prayed for a larger relief, this Court, in the light of the facts and circumstances and without going into the merits of the case, directs the second respondent to consider and dispose of the petitioner's representation dated 20.08.2015 on merits and in accordance with law with regard to the disbursal of General Provident Fund, Special Provident Fund and Encashment of Earned Leave by taking into account the order dated 3.6.2015 made in W.P.No.15601 of 2015 and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

This Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Rj

To

1 The District Collector
Kancheepuram District.

2 The Revenue Divisional Officer
Kancheepuram.

1 CC to M/s.Muthappan, Advocate SR.No. 47681

1 CC to the Government Pleader, SR.No. 47662

W.P.No.27430 of 2015

MP (CO)
PSI (08.09.2015)



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