

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.27534 of 2015

K.Surulivel

... Petitioner

- Vs -

1. The Chairman and Managing Director,
Tamil Nadu Police Housing Corporation,
No.132, Poonamallee High Road,
Kilpauk, Chennai - 600 010.
2. The General Manager (F & A) cum Co.Secy,
Tamil Nadu Police Housing Corporation,
No.132, Poonamallee High Road,
Kilpauk, Chennai - 600 010.

... Respondents

Prayer:- Writ Petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents to disburse the leave salary, gratuity, DCRG and other terminal benefits pursuant to the order dated 31.03.2015 of the second respondent permitting the petitioner to retire from service and in the light of the representation dated 13.08.2015 of the petitioner within a time frame to be stipulated by this Court.

For Petitioner : Mr.S.Vijayan

For Respondent : Mr.S.Gunasekaran
Government Advocate

O R D E R

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

2. The petitioner is working as a Superintendent in the respondent corporation and a case in Crime No.66 of 2013 was registered against him for alleged offence punishable under Sections

120(b), 419, 420, 465, 468 and 471 of I.P.C. He was placed under suspension and it was subsequently revoked on 05.02.2014, without prejudice to the legal proceedings. The petitioner attained the age of superannuation on 31.03.2015 and he was permitted to retire without prejudice to the outcome of the judicial proceedings by an order of the first respondent dated 31.03.2015. The petitioner is aggrieved over the non-disbursement of leave salary and DCRG. In this regard, he submitted a representation dated 13.08.2015 to the respondents. Since no order has been passed, he has come forward to file this writ petition.

3. The learned counsel appearing for the petitioner would submit that in the light of the judgment rendered by the Hon'ble Supreme Court in Civil Appeal No.6770 of 2013 dated 14.08.2013 (State of Jharkhand Vs. Jitendra Kumar Srivastava) de hors the criminal proceedings and departmental proceedings, the petitioner is entitled to get gratuity and leave salary and prays for appropriate orders.

4. Heard the submissions of Mr.S.Gunasekaran, learned Government Advocate who accepts notice on behalf of the respondents 1 and 2.

5. Though the petitioner prays for a larger relief, in the light of the facts and circumstances of the case, this Court, without going into the merits of the representation submitted by the petitioner, directs the first respondent to consider and pass orders on the representation of the petitioner dated 13.08.2015, on merits and in accordance with law, 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/-
Assistant Registrar(CO)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

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To

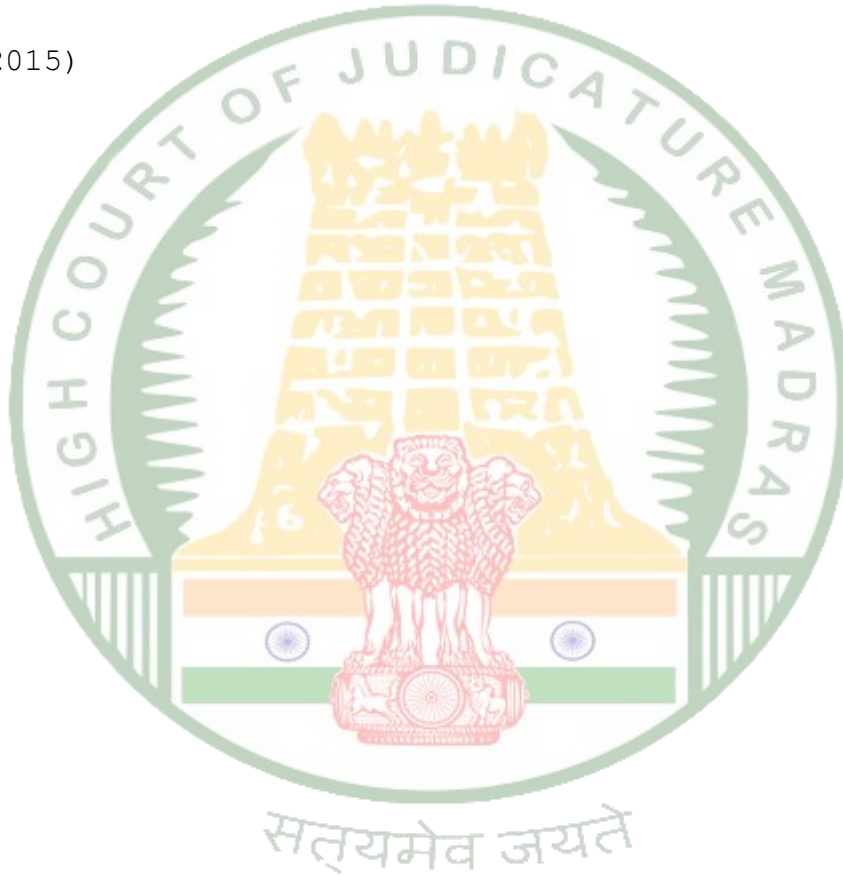
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+1cc to Mr.Vijayan, Advocate, S.R.No.47195
+1cc to Mr.Gunasekaran, Advocate, S.R.No.47937

W.P.No.27534 of 2015

MG(CO)
CA(18/09/2015)



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