

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.29279 of 2015

R.Periyasamy

.. Petitioner

Vs.

The Director of Town Panchayats,
Chennai - 108.

... Respondent

Petition filed under Article 226 of The Constitution of India, praying for the issuance of a Writ of mandamus directing the respondent to disburse the gratuity, general provident fund, special provident fund, encashment of earned leave and encashment of unearned leave on private affairs to the petitioner.

For Petitioner .. Mr.C.Prakasam

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 Selection Grade Executive Officer in the Polur Town Panchayat, was placed under suspension by the respondent on 28.05.2013 stating that his act resulted in loss to the town panchayat to the tune of Rs.49,95,825/-. As the petitioner has reached the age of superannuation on 31.05.2013, a separate order dated 28.05.2013 was passed by the respondent in terms of F.R. 56 (iii) of the Fundamental Rules to retain him in service.

3.The grievance expressed by the petitioner is that though his services have been retained beyond the age of superannuation, his entitlement such as encashment of earned leave, unearned leave on private affairs and special provident fund have not been disbursed to him and in this regard, he has submitted a representation dated 17.08.2015 to the respondent and since no orders have been passed, came forward to file this writ petition.

4.Learned counsel appearing for the petitioner has drawn the attention of this Court to the order dated 02.06.2015 made in W.P.No.15457 of 2015 and would submit that in similar facts and circumstances, this Court has directed the concerned official respondents therein to disburse the encashment of earned leave, unearned leave on private affairs and special provident fund, if any, to the petitioner therein and prays for appropriate orders.

5.The Court heard the submissions of Mr.V.Subbiah, learned Special Government Pleader, who accepts notice on behalf of the respondent.

6.Though the petitioner prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the same, directs the respondent to consider and dispose of the petitioner's representation dated 17.08.2015 on merits and in accordance with law, with regard to the prayer made by him for disbursal of encashment of earned leave, unearned leave on private affairs and special provident fund, if there is any contribution made by the petitioner, within a period of four 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/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

mmi

To

The Director of Town Panchayats,
Chennai - 108.

+1 cc to M/s.c.Prakasam, Advocate, sr.51036
+1 cc to Government Pleader, sr.50947

rsk co
kra 25/09

W.P.No.29279 of 2015