

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.29281 of 2015

R.Rajendran

.. Petitioner

Vs.

1.The Sub Collector,
Namakkal, Namakkal District.

2.The Revenue Divisional Officer,
Namakkal, Namakkal District. ... Respondents

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

For Petitioner ... Mr.C.Prakasam

For Respondents ... 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 Village Administrative Officer at Athankudi, Thirupathur Taluk, Namakkal District, was placed under suspension by the respondent vide order dated 31.07.2013 alleging that an enquiry into grave charges of illegal gratification is pending in C.C.No.14 of 2004 on the file of the Chief Judicial Magistrate, Namakkal. As the petitioner has reached the age of superannuation on 31.07.2013, a separate order dated 31.07.2013 was passed by the first 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 02.09.2015 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 respondents.

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 second respondent to consider and dispose of the petitioner's representation dated 02.09.2015 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

1.The Sub Collector,
Namakkal, Namakkal District.

2.The Revenue Divisional Officer,
Namakkal, Namakkal District.

+1 cc to M/s.C.Prakasam, Advocate, sr.51060
+1 cc to Government Pleader, sr.50948

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rsk co, kra 25/09