

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.30073 of 2015

P.Chandrasekaran

... Petitioner

-Vs-

The Principal Secretary to Government,
Revenue Ser. 2(1) Department,
Fort St. George,
Chennai - 600 009.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to disburse the Gratuity, Special Provident Fund, Encashment of Earned Leave and Encashment of Un-earned Leave on private affairs to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.S.Gunasekaran,
Government Advocate.

O R D E R

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

2. The petitioner, while discharging his duty as Revenue Divisional Officer, Tiruthani, was arrested on 20.08.2009 by the Department of Vigilance and Anti-Corruption police in connection with the case in Crime No.16/AC/2009/KM for the commission of offence punishable under the provisions of the Prevention of Corruption Act, 1988 for having demanded and accepted illegal gratification of Rs.10,000/- from Mr.C.Babu, for permitting run the quarry without any disturbance. Since the petitioner was retained beyond 48 hours, he was placed under deemed suspension, vide order dated 21.08.2009 passed by the respondent and since he reached the age of superannuation on 31.05.2013, the 1st respondent has passed an order dated 31.05.2013, extending the service of the petitioner beyond the age of superannuation, under Rule 56(1)(c) of the Fundamental Rules. The grievance expressed by the petitioner is that though he is facing criminal prosecution and his services have been extended beyond the age of superannuation, he is entitled to get Gratuity, Special Provident Fund, Encashment of Earned Leave and Encashment of un-

earned leave on private affairs and in this regard, he has submitted a representation dated 12.09.2015 to the respondent and since no order has been passed, came forward to file this writ petition.

3. 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 passed a positive order, directing the respondent therein to disburse Encashment of Earned Leave and Encashment of unearned leave on private affairs and Special Provident Fund, if any contributed by the petitioner therein and prays for appropriate orders.

4. Heard the submission of Mr.S.Gunasekaran, learned Government Advocate, who accepts notice on behalf of the respondents.

5. 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 claim projected by the petitioner, directs the respondent to consider and dispose of the petitioner's representation dated 12.09.2015 on merits and in accordance with law 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.

The Writ Petition is disposed of accordingly. No costs.

-Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

vsm

To

The Principal Secretary to Government,
Revenue Ser. 2(1) Department,
Fort St. George,
Chennai - 600 009.

+1 cc to Mr.C.Prakasam, Advocate (sr.52460)

W.P.No.30073 of 2015

RV(co)

cp 09/10/2015