

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.30074 of 2015

R.Rajasekaran

... Petitioner

-Vs-

The Sub Collector,
Tirupathur, Vellore District.

... 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 Village Administrative Officer, Asthanampattu Village, was arrested on 17.02.2004 by the Department of Vigilance and Anti-Corruption police for the commission of offence punishable under the provisions of the Prevention of Corruption Act, 1988 and since the petitioner was retained beyond 48 hours, he was placed under deemed suspension, vide order dated 17.02.2004 and subsequently, he approached this Court by filing W.P.No.41489 of 2005 and this Court has directed the respondent to consider and pass orders on the representation of the petitioner dated 15.11.2005 and consequently, he was reinstated in service on 10.11.2006 and subsequently, once again he was placed under suspension on 20.06.2008 until further orders and since he reached the age of superannuation on 30.06.2012, the respondent has passed an order dated 30.06.2012, 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 Sub Collector,
Tirupathur, Vellore District.

+1 cc to Mr.C.Prakasam, Advocate (sr.52459)

W.P.No.30074 of 2015

RV (co)

cp 09/10/2015