

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.33538 of 2015

R.Gunasekaran

.. Petitioner

Vs.

1 The District Collector,
Cuddalore.

2 The Revenue Divisional Officer,
Vridhachalam.

3 The Tahsildar,
Vridhachalam.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein to forthwith settle the retirement benefits to the petitioner such as Death cum Retirement benefit gratuity encashment of EL Commutation of Pension and General Provident Fund etc. due to the petitioner.

For Petitioner : Ms.AL.Ganthimathi

For Respondents : Mr.N.Srinivasan
Additional Government Pleader

ORDER

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

2. The petitioner while working as Village Administrative Officer of Vridhachalam, Cuddalore District was arrested and remanded to judicial custody on 13.08.2014 for the alleged demand and acceptance of illegal gratification other than legal remuneration in respect of the case in Crime No.4 of 2014 registered by the Inspector of Police, Vigilance and Anti-Corruption, Cuddalore. The petitioner on account of his incarceration beyond the period of 48 hours, was placed under deemed suspension by the second respondent vide order dated 14.08.2014 and since he has reached the age of superannuation on 31.08.2014, the very same respondent has passed the order dated 31.08.2014 under Rule 56(1)(C) of the Fundamental Rules, not permitting the petitioner to retire from service and also extended his services.

3. The grievance expressed by the petitioner is that no progress is taking place in the investigation pertains to the criminal prosecution and no departmental proceedings are also initiated. Consequently, the petitioner and his family members are suffering very much and in this regard, has submitted a representation dated 16.10.2014 praying for disbursal of retirement and terminal benefits, for which, he is legally entitled and since no orders have been passed, came forward to file this writ petition.

4. Heard the submissions of the learned counsel appearing for the petitioner and Mr.N.Srinivasan, learned Additional Government Pleader who accepts notice on behalf of the respondents.

5. Though the petitioner prayed for the larger relief, this Court in the light of the above facts and circumstances is of the view that the request made by the petitioner for settlement of his contribution to provident fund, special provident fund, encashment of surrender leave, may be considered as well as the payment of provisional pension.

6. In the light of the above facts and circumstances, the second respondent is directed to consider and dispose of the petitioner's representation dated 16.10.2014 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.

7. The writ petition is disposed of accordingly. No costs.
Pri

Sd/-
Assistant Registrar (IV)

/True Copy/

सत्यमेव जयते

Sub-Assistant Registrar

To

- 1 The District Collector,
Cuddalore.
- 2 The Revenue Divisional Officer,
Vridhachalam.

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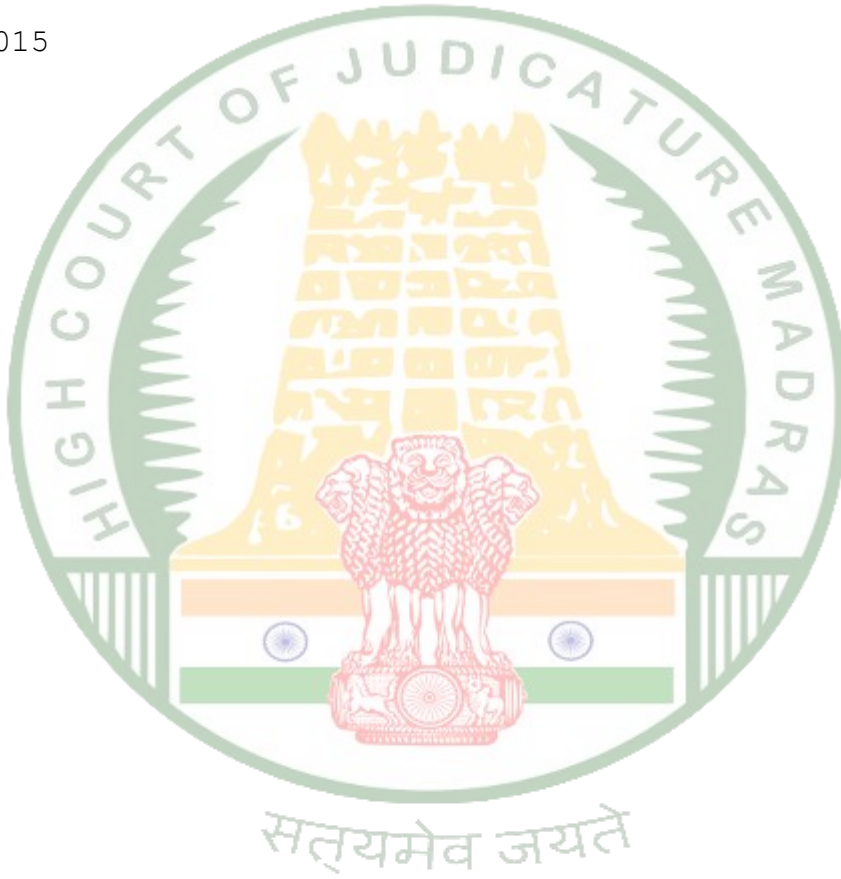
3 The Tahsildar,
Vridhachalam.

+1 C.C. To MRS.AL.Ganthimathi, Advocate in SR.NO.57449

+1 C.C. To Government Pleader in SR.NO.57708

W.P.No.33538 of 2015

EV(CO)
sd : 03/11/2015



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