

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.35677 of 2015

G.Devadhas

.. Petitioner

Vs.

The Secretary to Government,
Handlooms, Handicrafts, Textiles and
Khadi Department, Secretariat,
Chennai - 600 009.

.. Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondent to sanction and release Special Provident Fund and encashment of Earned Leave/Private affairs at the credit of the petitioner as on 30.06.2012, the date of superannuation, without prejudice to the pendency of the Departmental Proceedings/Criminal proceedings pending against him, in the light of the orders of the Hon'ble Supreme Court, High Court, Madras and the Full Bench of Punjab Haryana High Court, in the absence of any statutory Rule to withhold the above amount by the Respondent, within a reasonable period as may be fixed by this Hon'ble Court.

For Petitioner : Mr.T.Ranganathan

For Respondent : Mr.S.Gunasekaran
Government Advocate

ORDER

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

2. This writ petition is filed for issuance of Writ of Mandamus directing the respondent to sanction and release Special Provident Fund and encashment of Earned Leave/Private affairs at the credit of the petitioner as on 30.06.2012, the date of superannuation, without prejudice to the pendency of the Departmental Proceedings/Criminal proceedings pending against him.

3. According to the petitioner, he was initially appointed as a Junior Assistant in the year 1975. Subsequently, he was promoted as Assistant in the year 1977, as Section Officer in the year 1994 and as Under Secretary to Government in the year 2006. The Government has not permitted him to retire from service on 30.06.2012 on attaining the age of superannuation, in view of the pendency of the criminal case initiated by the Director of Vigilance and Anti Corruption Department in C.C.No.3/2013.

4. The petitioner would further state that he submitted a representation dated 27.09.2013 to settle his pension, gratuity and all other terminal benefits. However, the respondent has issued a letter dated 17.09.2014 informing that he is eligible for encashment of earned leave and unearned leave of private affairs only after finalization of the disciplinary action and regulation of the suspension order.

5. The claim of the petitioner is that in the light of judgments of the Hon'ble Apex Court and this Court, he is entitled for Special Provident Fund and encashment of the earned leave, private affairs at the credit of the petitioner as on 30.06.2012, however, his representation to the respondent dated 11.10.2014 was not considered. Hence, the writ petition.

6. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondent.

7. Though the petitioner prayed for a larger relief, this Court, in the light of the facts and circumstances and without going into the merits of the case, directs the respondent to consider the petitioner's representation dated 11.10.2014 and pass orders on merits and in accordance with law, 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.

This writ petition is disposed of accordingly. No costs.

Sms

Sd/-

Assistant Registrar (IV)

/True Copy/

Sub-Assistant Registrar

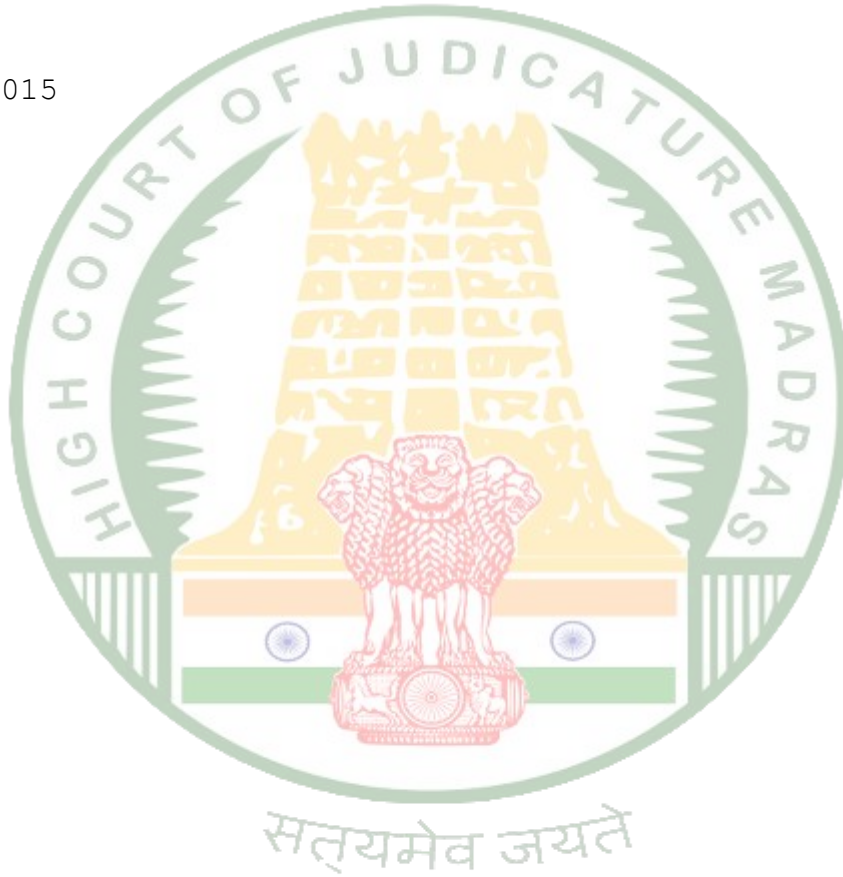
To

The Secretary to Government,
Handlooms, Handicrafts, Textiles and
Khadi Department, Secretariat,
Chennai - 600 009.

+1 C.C. TO MR.T.Ranganathan, Advocate in SR.NO.60494

W.P.No.35677 of 2015

TM(CO)
sd : 26/11/2015



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