

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2015

CORAM

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.8726 of 2015

N.M.Ahmed Ali

... Petitioner

Vs.

1. The Commissioner of Municipal Administration
Chepauk, Chennai-600 005.

2. The Commissioner,
Kadayanallur Municipality
Tirunelveli District.

... Respondents

* * *

Prayer : Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the 1st respondent to release the General Provident Fund, Special Provident Fund and Encashment of Earned Leave/ Private Affairs at the credit of the petitioner as on 31.03.2014 within a reasonable period.

* * *

For Petitioner : Mr.T.Ranganathan

For Respondents : Mr.K.V.Dhanapalan, AGP for R1

Mr.E.Gokulakrishna for R2

ORDER

With the consent of both sides, this writ petition itself is taken up for final disposal.

2. The petitioner was employed as Junior Engineer in the Municipality. He reached age of superannuation on 31.03.2014. He was not permitted to retire and he was kept under suspension. A Charge memo was issued and the disciplinary proceedings are still pending against the petitioner.

3. Petitioner has filed this writ petition seeking a direction to release general provident fund, special provident fund and encashment of earn leave on his reaching the age of superannuation.

4. The claim for general provident fund ,special provident fund and earn leave encashment is on the basis that even if he is dismissed from service after the conclusion of disciplinary proceeding, the aforesaid benefits could not be withheld, since those benefits are his properties.

5. I am also of the view that the general provident fund, special provident fund and earn leave encashment could not be withheld by the department on any ground as the same is the property of the employee. Hence, a direction is issued as sought for in the writ petition to the first respondent to release the general provident fund, special provident fund and earn leave encashment within a period of four weeks from the date of receipt of a copy of this order. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

kpr

To

1. The Commissioner of Municipal Administration
Chepauk, Chennai-600 005.
2. The Commissioner,
Kadayanallur Municipality
Tirunelveli District.

+1 CC to Government Pleader, SR.NO.23331
+1 CC to Mr.T.Ranganathan, Advocate SR.NO. 23205

W.P.No.8726 of 2015

LRS (CO)
PKS
19/05/2015

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