

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2016

CORAM

THE HON'BLE Mr. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE Mr. JUSTICE V.BHARATHIDASAN

W.A.No.1421 of 2015
and
M.P.No.1 of 2015

1. The Director of Survey and
Land Records,
Chepauk, Chennai - 5.
2. The Assistant Director of Survey
and Land Records,
Collectorate, Dharmapuri. Appellants

Vs.

R.Sakthi Respondent

Appeal filed under Clause 15 of Letters Patent against the order dated 06.04.2015 made in W.P.No.9882 of 2015.

W.P.No.9882 of 2015 : Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents to disburse the petitioner's retirement benefits like Provident Fund, Special Provident Fund, Gratuity, Death Cum Retirement Gratuity Benefits (DCRGB) and Leave Salary.

For Appellants : Ms.A.Srijayanthi,
Special Government Pleader

For Respondent : Mr.C.Prakasam

JUDGMENT
(delivered by SATISH K.AGNIHOTRI, J.)

With the consent of the learned counsel appearing for the parties, the writ appeal is taken up for final disposal.

2.The instant intra-court appeal arises from the order dated 06 April, 2015 made in W.P.No.9882 of 2015.

3.The writ petitioner, who is the respondent herein, filed the writ petition, seeking a direction to the appellants herein to disburse his retirement benefits, such as provident fund, special provident fund, gratuity, death cum retirement gratuity benefits (DCRG) and leave salary.

4.The respondent/writ petitioner working as Sub Inspector of Survey in the Taluk Office, Pennagaram, Dharmapuri District, was to retire on attaining the age of superannuation on 31 May 2014. However, he was not permitted to do so on account of pendency of the criminal case under the provisions of the Prevention of Corruption Act, 1988.

5.The learned Single Judge, considering all aspects of the matter, held that the respondent/writ petitioner was not permitted to retire on attaining the age of superannuation and he could not get pension and Death cum Retirement Gratuity (DCRG), in case of his dismissal from service, however, he is entitled to other benefits such as Special Provident Fund, General Provident Fund and earned leave benefits. While disposing of the writ petition, a direction was issued to the first appellant herein to settle the General Provident Fund, Special Provident Fund and encashment of leave salary, within a period of four weeks from the date of receipt of a copy of the order.

6.We do not find any error, illegality or infirmity in the order sought to be impugned in this writ appeal preferred by the State, warranting interference. Thus, the writ appeal stands dismissed. No costs. Consequently connected miscellaneous petition stands closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Director of Survey and
Land Records,
Chepauk, Chennai - 5.
2. The Assistant Director of Survey
and Land Records,
Collectorate, Dharmapuri.

+lcc to Mr.C.Prakasam, Advocate, S.R.No.22483

W.A.No.1421 of 2015

AD(CO)
CA(09/05/2016)



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