

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 15.09.2016
CORAM:
THE HONOURABLE MR. JUSTICE R.SUBBIAH
W.P.No.40816 of 2015

A.Elayaperumal

.. Petitioner

vs.

1.The District Collector,
Cuddalore.

2.The Special Tahsildar,
(Land Acquisition)
No.15, Neyveli,
Cuddalore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to settle the terminal benefits to the petitioner such as death-cum-retirement gratuity, encashment of earned leave, commutation of pension and General Provident Fund within a time limit.

For Petitioner : Mr.S.Saravanakumar

For Respondents : Mr.S.Gunasekaran
Additional Government Pleader

O R D E R

This Writ Petition has been filed praying for issuance of a Writ of Mandamus directing the respondents to settle the terminal benefits to the petitioner such as death-cum-retirement gratuity, encashment of earned leave, commutation of pension and General Provident Fund within a time limit.

2. The case of the petitioner is that he was appointed as an Office Assistant in the year 1985 in the Revenue Department and posted at various places in and around Villupuram and Cuddalore District and he had rendered unblemished record of service. The petitioner would state that he was falsely implicated in a corruption case in the year 2008 for the alleged offences under Sections 7 and 13(2) r/w. 13(1)(d) of the Prevention of Corruption Act, 1988 and the same is pending in S.C.No.3 of 2007 on the file of the Court of Chief Judicial Magistrate, Cuddalore without any progress. The petitioner would further state that in view of his implication in a criminal case, he was placed under suspension by the first respondent, vide proceedings in Ref.A2/2/982/2008 dated 9.5.2008

and challenging the order of suspension, he filed W.P.No.24033 of 2008, which was disposed of by this Court on 30.09.2008 with a direction to the first respondent to consider the representation of the petitioner dated 19.5.2008 for revocation of the suspension order and in spite of the same, no order was passed. Hence, the petitioner was constrained to file W.P.No.10553/2009 and obtained an order of interim stay and in pursuant to the same, he was reinstated, vide proceedings in Ka.A/7255/2009 dated 4.11.2008 and he joined the duty on 5.11.2008 and till date, departmental enquiry has not been initiated against him. The petitioner retired on attaining the age of superannuation on 30.06.2014 and he has not been settled with terminal benefits such as Death-cum-Retirement Gratuity, Encashment of Earned Leave, Commutation of Pension and General Provident Fund and in this regard, the petitioner has also given a representation dated 06.09.2014 to the respondents and since it has not been considered, came forward with this writ petition.

3.Mr.S.Saravanakumar, learned counsel appearing for the petitioner has drawn the attention of this Court to the order dated 06.08.2014 made in W.P.No.20946 of 2014, wherein in identical situation, this Court had passed an order directing the respondents therein to pay Gratuity and Leave Encashment Salary to the petitioner therein.

4. Heard the submissions of Mr.S.Gunasekaran, learned Additional Government Pleader appearing for the respondents, who would submit that the petitioner is entitled to get Commuted Pension and Leave Encashment Salary alone.

5. In the light of the earlier order passed by this Court dated 06.08.2014 made in W.P.No.20946 of 2014, this Court directs the respondents to pay the Gratuity, Leave Encashment Salary, General Provident Fund and other eligible terminal benefits within a period of six weeks from the date of receipt of a copy of this order.

6. This Writ Petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

jvm

To

1.The District Collector,
Cuddalore.

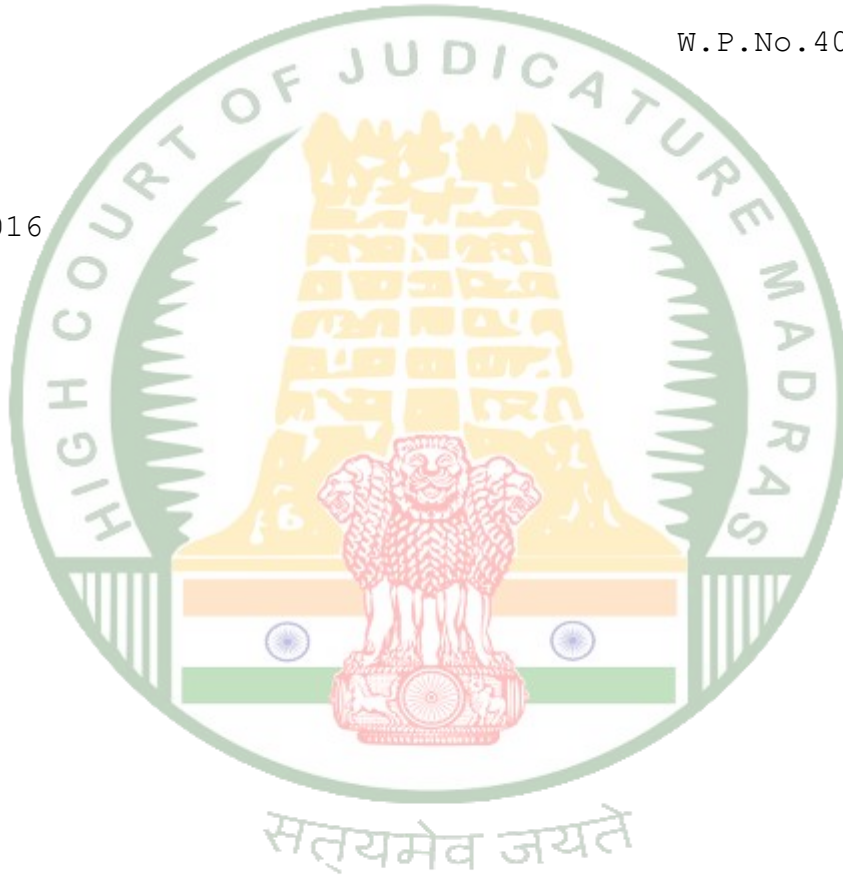
2.The Special Tahsildar,
(Land Acquisition)
No.15, Neyveli,
Cuddalore District.

+1 cc to Mr.S.Saravanakumar Advocate vide sr 52197

+1 cc to Government Pleader sr 52539

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