

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.27142 of 2016

R.Manoharan

.. Petitioner

Vs.

1.The District Collector,
Salem District, Salem.

2.The Tahsildar,
Vazhapadi Taluk,
Vazhapadi,
Salem District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents to consider the claim of the petitioner for disbursement of Special Provident Fund and Earned Leave encashment on attaining the age of superannuation on 31.05.2014 A.N. in the light of the order dated 08.06.2015 in W.P.No.16098 of 2015 and disburse the same with interest within a limited time frame.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.S.Gunasekaran, AGP

ORDER

By consent, this Writ Petition is taken up and disposed of at the stage of admission itself.

2. The prayer made in the writ petition is to issue a Writ of Mandamus, directing the respondents to consider the claim of the petitioner for disbursement of Special Provident Fund and Earned Leave encashment on attaining the age of superannuation on 31.05.2014 A.N. in the light of the order dated 08.06.2015 in W.P.No.16098 of 2015 and disburse the same with interest within a time frame.

3. The case of the petitioner is that initially he was appointed as Junior Assistant in Salem District Revenue Unit on 06.10.1982. Subsequently, he was promoted as Assistant on

10.03.1994 and Deputy Tahsildar on 10.04.2006. While so, he was placed under suspension on 19.08.2007. Challenging the suspension order, he filed WP.No.29343/2007, which was ordered by setting aside the suspension order, by order dated 13.10.2007. Pursuant to the same, he was reinstated in service on 12.11.2007. Thereafter, he was again placed under suspension on 14.11.2007. As a result, he was not permitted to retire from service on 31.05.2014.

4. Now the grievance of the petitioner is that he has not been granted accumulations in Special Provident Fund and Earned Leave Encashment till date. For claiming the said benefit, he made a representation dated 11.09.2015 to the respondents and the same is yet to be disposed of. Hence, the present writ petition came to be filed by the petitioner.

5. Learned counsel for the petitioner submitted that though the petitioner is entitled to get Special Provident Fund and Earned Leave Encashment, the respondents have not settled the same. Learned counsel further submits that in similar circumstances, by order dated 08.06.2015 made in W.P.No.16098 of 2015, this Court has issued a direction to disburse Special Provident Fund and Earned Leave encashment to the petitioner therein. Therefore, he prayed for similar order in this writ petition also.

6. Learned Additional Government Pleader, who took notice for the respondents, submits that reasonable time may be granted to the respondents to dispose of the representation of the petitioner.

7. Considering the submissions made on either side, this Court directs the respondents to consider the representation of the petitioner dated 11.09.2015 and pass appropriate orders on merits and in accordance with law and also in the light of the order dated 08.06.2015 made in WP.No.16098 of 2015, within a period of three months from the date of receipt of a copy of this order.

8. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
Salem District, Salem.

2.The Tahsildar,
Vazhapadi Taluk,
Vazhapadi,
Salem District.

+lcc to Mr.M.Ravi, Advocate Sr.44711

+lcc to the Government Pleader Sr.44566

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srg 29/08/2016



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