

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2016

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

W.A. No.458 of 2016
and
C.M.P. No.6449 of 2016

The District Collector
Tiruvallur District, Tiruvallur. ..Appellant

Vs.

T.L. Nageswara Rao ..Respondent

Writ Appeal preferred under Clause 15 of the Letters Patent
against the order dated 21.07.2015 made in W.P.No.21750 of 2015.

W.P.No.21750 of 2015 Dated 21.07.2015:- Writ Petition filed
under Article 226 of the Constitution of India, for the relief
of issuance of Writ of Mandamus, directing the respondent to
disburse the General Provident Fund, Special Provident Fund,
Encashment of Earned Leave and Encashment of Un-Earned Leave on
Private Affairs to the petitioner.

For Appellant : Mrs. A. Srijayanthi
Special Government Pleader

For Respondent : Mr.C.Prakasam

JUDGMENT

(delivered by SATISH K. AGNIHOTRI, J.)

The challenge in this intra-Court appeal is to the order
dated 21 July 2015 passed in W.P. No.21750 of 2015.

2 For the sake of brevity and clarity, the parties are
referred to as per their rank in the instant intra-Court appeal.

3 A vignette of the facts, leading to the filing of this
intra-Court appeal is that, while the respondent was working as

Deputy Tahsildar in the Revenue Department, a criminal case was registered against him under the provisions of the Prevention of Corruption Act. On the said ground, he was suspended from service. While so, on 30 September 2013, when he reached the age of superannuation, he was not permitted to retire on account of pendency of criminal case against him. Albeit he made a representation seeking release of terminal benefits such as General Provident Fund, Special Provident Fund, Encashment of Earned Leave and Unearned Leave on Private Affairs, there was no response from the appellant. Hence, he filed the instant writ petition seeking a direction to the appellant for disbursal of the said benefits to him. The learned Single Judge, observing that the terminal benefits are the respondent's properties and as such, the same cannot be withheld by the State, even assuming that he is dismissed from service, disposed of the writ petition with a direction to the appellant to disburse the terminal benefits, as aforesaid, to the respondent, within a period of six weeks. Feeling aggrieved, the State has come up with this intra-Court appeal.

4 We are in full agreement with the view taken by the learned Single Judge and as such, we do not find any reason whatsoever to take a view contrary to the one taken in the order under assail in this intra-Court appeal.

As a sequitur, this intra-Court appeal fails and is accordingly dismissed. However, we grant further four weeks time to the authorities to comply with the order passed by the learned Single Judge. Costs made easy. Connected C.M.P. is closed.
cad

Sd/-
Assistant Registrar

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

To

The District Collector,
Tiruvallur District, Tiruvallur.

+ 1 cc to Mr.C.Prakasam, Advocate Sr 24009

KR/26/4/16

W.A.No.458 of 2016