

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.471 of 2016
and
C.M.P. No.6520 of 2016

The District Collector
Tiruvallur District, Tiruvallur

..Appellant

Vs.

D. Thilagam

..Respondent

Writ Appeal preferred under Clause 15 of the Letters Patent against the order dated 10.07.2015 made in W.P.No.20528 of 2015.

W.P.No.20528 of 2015 Dated 10/07/2015:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent to disburse the Gratuity, General Provident Fund, Special Provident Fund, Encashment of Earned Leave, and Encashment of Unearned Leave on private affairs to the petitioner.

For Appellant : Mrs. A. Srijyanthi
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 10 July 2015 passed in W.P. No.20528 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 Tahsildar at Pallipattu Taluk, Tiruvallur District, a criminal case was registered against her under the provisions of the Prevention of Corruption Act. On the said ground, she was suspended from service. While so, on 31 December 2014, when she reached the age of superannuation, she was not permitted to retire on account of pendency of criminal case against her. Albeit she made a representation seeking release of terminal benefits such as D.C.R.G., General Provident Fund, Special Provident Fund, Encashment of Earned Leave and Encashment of Earned Leave on Private Affairs, there was no response from the appellant. Hence, she filed the instant writ petition seeking a direction to the appellant for disbursal of the said benefits to her. The learned Single Judge, taking note of the submission made by the learned counsel for the respondent at the time of hearing of the writ petition that the respondent is not pressing for Gratuity and observing that even in the case of dismissal from service, the respondent is entitled to get terminal benefits, disposed of the writ petition with a direction to the appellant to disburse General Provident Fund, Special Provident Fund and Earned Leave Encashment benefits, to the respondent, within a period of four 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/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

The District Collector, Tiruvallur District, Tiruvallur.

+ 1 CC TO Mr. C. Prakasam, ADVOCATE SR 24010

+ 1 CC TO THE GOVT.PLEADER, SR 23468

KR/25/4/16

W.A. No.471 of 2016