

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 21.09.2016**

**CORAM**

**THE HONOURABLE MR.JUSTICE R.SUBBIAH**

**W.P.No.32975 of 2016**

S.Ganesan

... Petitioner

Vs.

The Commissioner,  
Vellore City Municipal Corporation  
Vellore.

... Respondent

**Prayer:**

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to disburse the Gratuity, Special Provident Fund, Encashment of Earned Leave and Encashment of Un-earned Leave on Private Affairs to the petitioner.

For Petitioner : Mr.C.Prakasam  
For Respondent : Mr.S.Gunasekaran  
Additional Government Pleader

**O R D E R**

By consent, the writ petition is taken up for final disposal.

2.The present writ petition has been filed seeking a Mandamus directing the respondents to disburse the Gratuity, Special Provident Fund, Encashment of Earned Leave and Encashment of Un-earned

Leave on Private Affairs to the petitioner.

3. In the affidavit filed in support of this petition, it has been stated that the petitioner was appointed as Revenue Assistant in the year 1999. When the petitioner was discharging his duties as Revenue Assistant at Vellore City Municipal Corporation, on 16.09.2004, he was arrested by the Vigilance and Anti-Corruption Police on false complaint. He was suspended from service on 17.09.2004 and thereafter, reinstated into service on 01.02.2005 and he was again suspended from service on the eve of his superannuation on 29.06.2010 and he is facing departmental as well as criminal case and was not allowed to retire from service and no retirement benefits have been disbursed to him except GPF. The petitioner in this regard, made representation dated 17.07.2016 to the respondent, but it has not been considered so far. Hence, this petition.

4. Heard the submissions of the learned counsel appearing for the petitioner and the learned Additional Government Pleader who takes notice for the respondent.

5. Considering the submissions made on either side, this Court directs the petitioner to give a fresh representation along with a copy

of this order to the respondent, within a period of two weeks from the date of receipt of a copy of this order and the respondents on receipt of the same, is directed to consider the same and pass appropriate orders, on merits and in accordance with law, within a further period of four weeks thereafter.

6.It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner and it is for the respondent to decide the matter, purely on merits.

7.The writ petition is disposed of accordingly. No costs.

21.09.2016

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Index: Yes / No

Internet: Yes / No

To

The Commissioner,  
Vellore City Municipal Corporation  
Vellore.

**R.SUBBIAH,J.**

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