

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2016

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.33011 of 2016

V.Chandrasekaran

... Petitioner

Vs.

The Revenue Divisional Officer,
Tiruppur, Tiruppur District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of 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 Un-earned Leave on private affairs together with 6th pay commission arrears to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.N.Srinivasan, AGP

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ORDER

This writ petition has been filed by the petitioner praying for issuance of a Writ of Mandamus, to direct the respondents to disburse the Gratuity, General Provident Fund, Special Provident Fund, Encashment of Earned Leave and Encashment of Un-earned Leave on private affairs together with 6th pay commission arrears to the petitioner.

2.In the affidavit filed in support of the writ petition, it has been averred by the petitioner as follows. The petitioner was appointed as Village Administrative Officer at Chozhamadevi Village, Udumalpet Taluk, Coimbatore District in the year 1984 ie., on 24.05.1984 and subsequently, he was transferred to various places and finally, when he was discharging his duties as VAO at Rakkiyapalayam Village, Tiruppur Taluk, he was falsely implicated in the Vigilance and Anti-Corruption Case on 20.03.2009 and on the same day, he was suspended from service by the respondent. The petitioner was issued with a charge-memo and he has also submitted a detailed explanation. In the criminal case, chargesheet has been filed and the same is now

pending before the learned Chief Judicial Magistrate, Tiruppur. In the meantime, the petitioner was due to retire from service on 30.06.2009 on superannuation; but, on that day, the respondent passed an order, not allowing the petitioner to retire from service. No retirement benefits have been disbursed to the petitioner. According to the petitioner, even if the criminal case is pending, the government employee is having every right to get the retirement benefits. As the respondent has not disbursed the retirement benefits to the petitioner, the petitioner has sent representation dated 17.06.2016 to the respondent requesting to disburse his retirement benefits. Since the petitioner's representation was not considered, the petitioner has come forward with the present writ petition before this Court for the relief as stated supra.

3. Heard both sides and perused the materials available on record.

4. Though the writ petition has been filed for a larger relief, when the matter is taken up for consideration, the learned counsel for the petitioner submitted that if a direction is issued to the respondent to consider the representation dated 17.06.2016 sent by the petitioner, it would suffice.

5. Considering the limited scope of the prayer sought for by the learned counsel for the petitioner, without expressing any opinion on the claim of the petitioner, this Court directs the respondent to consider the representation dated 17.06.2016 given by the petitioner and to pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

सत्यमेव जयते

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

SSV

To

The Revenue Divisional Officer,
Tiruppur, Tiruppur District.

+1 cc to Mr.C.Prakasam Advocate vide sr 58000
+1 cc to Government Pleader sr 57535

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