

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 17.10.2016
CORAM
THE HONOURABLE MR. JUSTICE R.SUBBIAH
Writ Petition No.35925 of 2016

K.Premalatha

... Petitioner

vs.

The District Revenue Officer,
Erode District, Erode.

... Respondent

Writ Petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus, directing the respondent herein to consider the petitioner's representation dated 01.08.2016 and to disburse the General Provident Fund, Special Provident Fund and Leave Encashment Benefits and Encashment on Unearned Leave and Private Affairs to the petitioner.

For Petitioner : Mr.S.Kaithamalai Kumaran

For Respondent : Mr.R.Venkatesh,
Govt. Advocate.

ORDER

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

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondent herein to consider the petitioner's representation dated 01.08.2016 and to disburse the General Provident Fund, Special Provident Fund and Leave Encashment Benefits and Encashment on Unearned Leave and Private Affairs to the petitioner.

3. It is the case of the petitioner that she joined in the service as Community Nutrition Instructor during the year 1984. From 28.01.1984 to 09.05.1991, she was employed at Natrampalli Block North Arcot District. From 10.05.1991 to 09.02.1994, she was posted in Perundurai Block, Erode District. From 12.02.1994 to July, 1994, she was posted in Harur Block, Dharmapuri District and from July 1994 to 30.04.2003, she was posted in Thalavadi Block, Erode District. From 01.05.2003 to 31.03.2015, she was appointed as Child Development Project Officer and

posted at Perundurai Block, Erode District. While so, based on a complaint dated 30.06.2013, she was placed under suspension on 25.10.2013 in Proceedings No.G.O. (D) No.107, Social Welfare and Nutritious Meal Programme. On 31.03.2015, on which date the petitioner was about to retire, by G.O.(D) No.55 issued by the Social Welfare and Nutritious Meal Programme (SW1) Department, she was not permitted to retire based on the ground that a criminal case is pending against her.

4. The further case of the petitioner is that by an order dated 31.03.2015, the District Programme Officer granted 25% of her salary as subsistence allowance. Now the grievance of the petitioner is that the Provident Fund, Special Provident Fund, Encashment of Earned Leave and Unearned Leave were not paid to her based on the said ground that the criminal case is pending. Seeking the same, the petitioner filed W.P.No.26489 of 2016 before this Court and the same came to be dismissed on 29.07.2016 by this Court on the ground that no representation was forwarded to the respondent. Thereafter, on 01.08.2016, the petitioner sent a detailed representation to the respondent by registered post. But, no order has been passed on the said representation. Hence the present Writ Petition.

5. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate, who has taken notice on behalf of the respondent.

6. Considering the facts and circumstances of the case, without expressing any opinion regarding the merits of the claim of the petitioner, this Court directs the respondent to consider and pass orders on the representation of the petitioner dated 01.08.2016 on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this Order.

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

-s/d-

Assistant Registrar (CSIV)

True Copy

Sub-Assitant Registrar

tsi

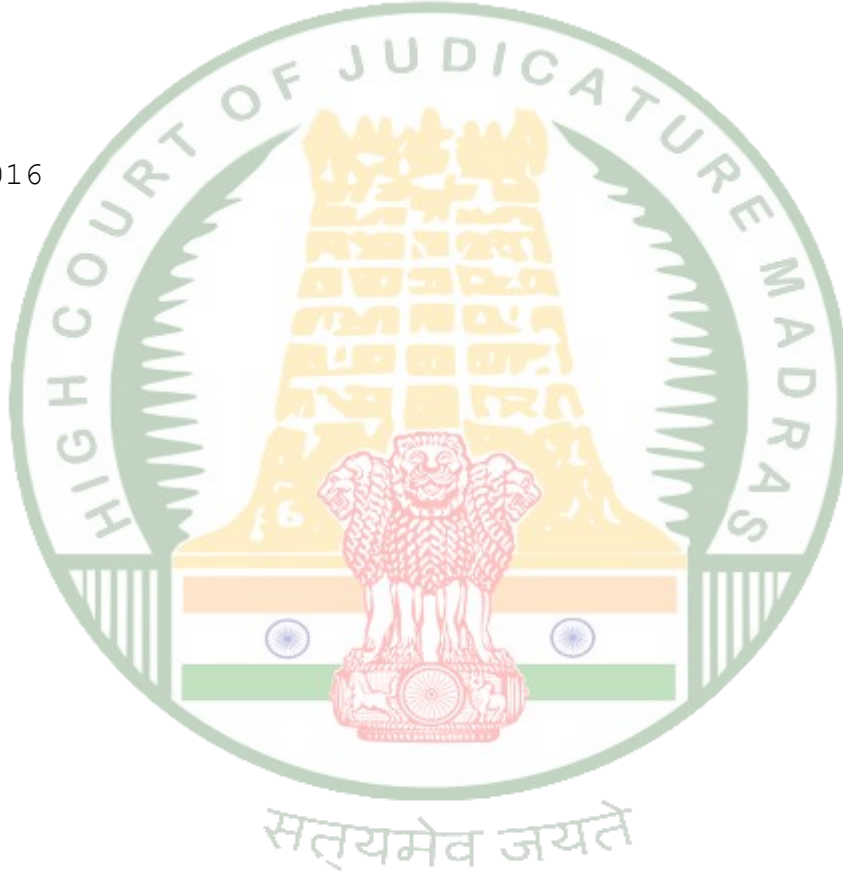
To

The District Revenue Officer,
Erode District, Erode.

+1 cc to Government Pleader sr 58601
+1 cc to Mr.A.K.Kumarasamy Advocate sr 58303

W.P.No.35925 of 2016

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