

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.36006 of 2016

T.K.Venkatasubramanian

... Petitioner

Vs.

The District Revenue Officer,
Dharmapuri.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to consider the representations dated 08.06.2016 and 27.08.2016 of the petitioner and to disburse the amounts due to petitioner from the Government of Tamilnadu under the heads Salary Arrears, Leave Arrears, Gratuity, General Provident Fund, Special Provident Fund and Unearned Leave on private affairs.

For Petitioner : Mr.S.Subramanian

For Respondent : Mr.K.Dhananjayan
Special 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 respondent to consider the representations dated 08.06.2016 and 27.08.2016 of the petitioner and to disburse the amounts due to petitioner from the Government of Tamilnadu under the heads Salary Arrears, Leave Arrears, Gratuity, General Provident Fund, Special Provident Fund and Unearned Leave on private affairs.

3.The petitioner would state that he was employed and working as Assistant at the Revenue Divisional Office at Dharmapuri and on 02.03.2009, he was falsely implicated in a Criminal Case registered in Cr.No.2 of 2009 under Section 7 of the Prevention of Corruption Act. The petitioner was arrested and detained with regard to the

said case. Thereafter, the petitioner was suspended by the District Collector on 03.03.2009 in view of his arrest and detention in the said case.

4.The petitioner would further state that challenging the order of suspension, he filed W.P.No.5035 of 2009 and this Court vide order dated 11.06.2009, allowed the writ petition and directed the respondent therein to reinstate the petitioner in service. But, the respondent failed to comply with the said order and hence, the petitioner initiated Contempt Petition No.178 of 2010 and thereafter, the petitioner was reinstated into service vide order of the District Collector, Dharmapuri on 03.06.2011, in pursuance of which, the respondent passed the order dated 08.06.2011, posting him as Assistant in the Divisional Excise Office, Dharmapuri and the petitioner joined in the said posting on 10.06.2011 and worked there till his superannuation on 30.11.2011. The respondent passed an order on 29.11.2011, whereby the petitioner was not permitted to retire on reaching the age of superannuation, under Rule 56(1)(c) of the Fundamental Rules.

5.The petitioner would further state that he made a representation to the respondent on 08.06.2016 requesting to release the amounts due to him under the heads of Salary Arrears, Leave Arrears, Gratuity, General Provident Fund, Special Provident Fund and Unearned Leave on private affairs and the same was not considered. Since, it evoked no response, the petitioner once again made a representation to the respondent on 27.08.2016, but the same have not yet been considered. Hence, this petition.

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

7.Considering the submissions made on either side and without going into the merits of the case, 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 on receipt of the same, the respondent is directed to consider the said representation and pass appropriate orders, on merits and in accordance with law, within a period of four weeks thereafter.

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

Pri

Sd/-
Assistant Registrar (CS-)

/TRUE COPY/

Sub-Assistant Registrar

To

The District Revenue Officer,
Dharmapuri.

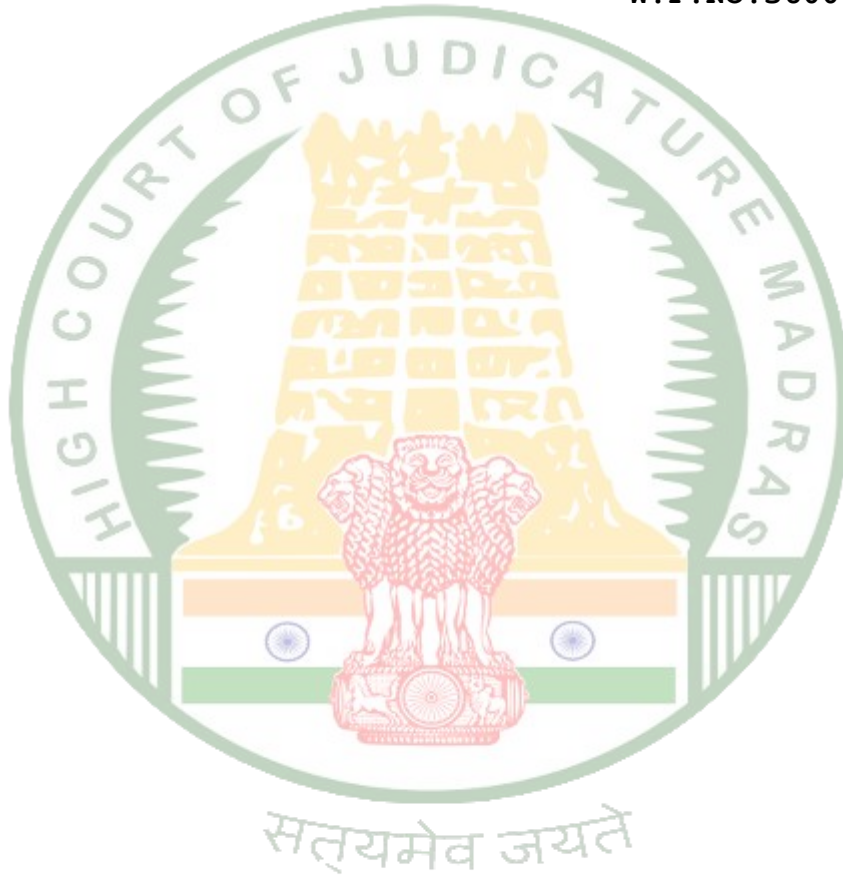
+1 CC Mr.S.Subramanian Advocate SR.No.58702

+1 CC Government Pleader SR.No.58943

W.P.No.36006 of 2016

CP

MSI 09/11/2016



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