

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.36512 of 2016

Dr.K.Sundaramoorthy

... Petitioner

Vs.

1.The Secretary to Government,
Higher Education Department,
Secretariat,
Chennai - 600 009.

2.The Director of Technical Education,
Guindy,
Chennai - 600 025.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to pass appropriate orders on the representation of the petitioner dated 06.7.2016 requesting for payment of Special Provident Fund and Encashment of Earned Leave/Private Affairs at his credit as on 31.5.2016 to the petitioner (who has already attained the age of superannuation on 31.5.2016), within a reasonable period as may be fixed by this Court.

For Petitioner : Mr.T.Ranganathan

For Respondents : Mr.O.Selvam
Government Advocate

O R D E R

With the consent of both sides, the main writ petition is taken up for final disposal.

2. The writ petition is filed seeking Mandamus directing the 2nd respondent to pass appropriate orders on the representation of the petitioner dated 06.7.2016 requesting for payment of Special Provident Fund and Encashment of Earned Leave/Private Affairs at his credit as on 31.5.2016 to the petitioner (who has already attained the age of superannuation on 31.5.2016).

3.It is the case of the petitioner that he was appointed as Lecturer in Central Polytechnics at Tharamani on 03.01.1983. He was promoted as Head of the Department (Electronics) on 01.03.1991. Subsequently, he was elevated to the cadre of Principal and promoted as Additional Director of Technical Education (Polytechnics) in the year 2013. His date of superannuation was on 31.05.2016. In the meanwhile, the first respondent has issued an order in G.O.(2D) No.41, Higher Education Department, dated 26.05.2016 placing him under suspension on the ground that an enquiry against is under investigation. Subsequently, the first respondent has also issued another order in G.O.(2D) No.43 dated 31.05.2016, thereby not allowed the petitioner to retire from service on attaining the age of superannuation on 31.05.2016. As the petitioner was not permitted to retire from service on 31.05.2016, he has submitted a representation dated 06.07.2016 to the second respondent for sanction of his General Provident Fund, Special Provident Fund and encashment of earned leave/private affairs at his credit, but, the second respondent has not sanctioned the same. Hence, the petitioner has come up with the present writ petition.

4. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the second respondent to consider the representation of the petitioner dated 06.07.2016, with regard to payment of Special Provident Fund and Encashment of Earned Leave/ Private Affairs at his credit as on 31.05.2016 to the petitioner, who attained the age of superannuation on 31.05.2016, and pass appropriate orders, on merits and in accordance with law, within a period of three weeks from the date of receipt of a copy of this order. The Writ Petition is disposed of accordingly. No costs.

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Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mrp

To

1.The Secretary to Government,
Higher Education Department,
Secretariat,
Chennai - 600 009.

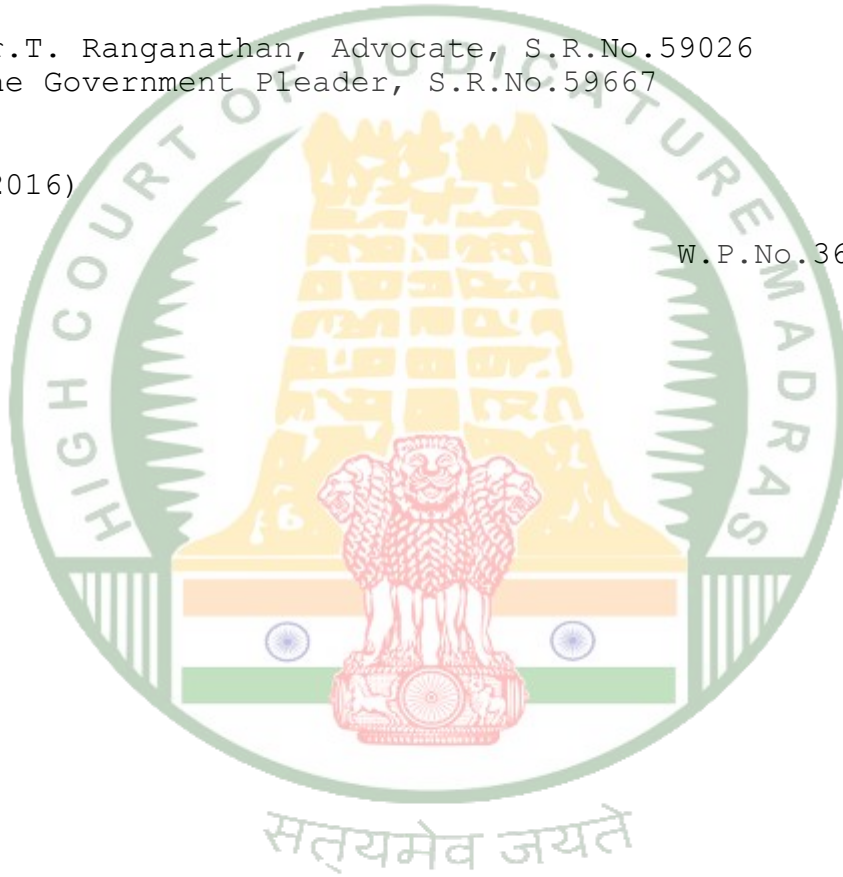
2.The Director of Technical Education,
Guindy,
Chennai - 600 025.

+1cc to Mr.T. Ranganathan, Advocate, S.R.No.59026

+1cc to the Government Pleader, S.R.No.59667

NR(CO)
EU(08/12/2016)

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