

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.38634 of 2016

J.Vaideeswaran

... Petitioner

vs.

1. The District Collector,
Kanchipuram District.
 2. The Revenue Divisional Officer,
Kanchipuram District.
 3. The Tahsildar,
Uthiramerur,
Kancheepuram District.
- ... Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of mandamus, directing the 2nd respondent herein to disburse/settle petitioner's, Special Provident Fund, General Provident Fund and Earned Leave Encashment Benefits, pending disposal of the Writ Petition.

For Petitioner : Mr.M.Arunachalam
For Respondents : Mr.K.Dhananjayan,
Special Government Pleader

O R D E R

The petitioner has come up with this Writ Petition seeking a direction to the 2nd respondent herein to disburse Special Provident Fund, General Provident Fund and Earned Leave Encashment Benefits due to him.

2. According to the petitioner, he was appointed as Karnam of Chittiambakkam Village, Kanchipuram District on temporary basis under Rule 6 of Tamil Nadu Village Administrative Officers Service Rules, by an order dated 09.04.1976. He was made as a Village Administrative Officer as per the order dated 15.10.1984 and from then onwards, he worked in many places in and around Kanchipuram District.

3. While so, on 31.08.1998, the petitioner was arrested by

the police under Sections 7 and 13(2) r/w 13(1) of Prevention of Corruption Act, 1988 on the charge that he demanded Rs.100/- as bribe and accepted the same from one Deivasigamani, Thodur Village, Kancheepuram District to forward the papers to the Revenue Inspector with his recommendations for the issuance of Legal Heirship Certificate and he was remanded by the Chief Judicial Magistrate, Chengalpattu on 01.09.1998, in that regard. Hence, the petitioner was placed under suspension from service as per the order of the Revenue Divisional Officer, Kanchipuram on 23.10.1998. Challenging the same, the petitioner filed an application in O.A.No.7289 of 2000 before the Administrative Tribunal and by an order dated 18.10.2000, the Tribunal directed reinstatement of the petitioner into service and cancelled the order of suspension passed against him. As such, the petitioner was reinstated into service on 08.11.2000.

4. From the date of reinstatement, i.e. on 08.11.2000, the petitioner had been working till he attained the age of superannuation, i.e. on 31.10.2007. But, the petitioner was not permitted to retire from service on 31.10.2007 till the charges against him are concluded and final order is passed. Thereafter, as the Special Case in No.1 of 2000 under the Prevention of Corruption Act on the file of the Special Judge cum Chief Judicial Magistrate, Chengalpet ended in conviction by an order dated 18.08.2010, the petitioner was dismissed from service on 01.08.2011 by the proceedings of the Revenue Divisional Officer, Kancheepuram. Though the petitioner made several representations to the respondents requesting them to settle the terminal benefits due to him, finding no response, he is before this Court.

5. Learned counsel for the petitioner submitted that though the petitioner was dismissed from service, as a Government Servant, he is entitled to enjoy his terminal benefits, i.e. contribution to Special Provident Fund, General Provident Fund and Earned Leave Encashment benefits.

6. Taking note of the submissions made by the learned counsel for the petitioner, this Court directs the 2nd respondent to settle the General Provident Fund, his contribution to the Special Provident Fund and Earned Leave Encashment benefits to the petitioner within a period of eight weeks from the date of receipt of a copy of this order.

This Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To:

1. The District Collector,
Kanchipuram District.
2. The Revenue Divisional Officer,
Kanchipuram District.
3. The Tahsildar,
Uthiramerur,
Kancheepuram District.

+1cc to the Government Pleader, S.R.No.65881

sku(CO)
md(08/12/2016)

W.P.No.38634 of 2016

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