

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.43797/2016

V.Sundaram .. Petitioner

Vs

1.The Director of Town Panchayats,
Kuralagam, Chennai 600 108.

2.The Secretary to Government
Municipal Administration & Water
Supply Department, Secretariat
Chennai 600 009.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 1st respondent to pass appropriate orders on the representation of the petitioner dated 24.11.2016 requesting for payment of General Provident Fund, Special Provident Fund and Encashment of Eraned Leave/Private Affairs at his credit as on 31.05.2016 to the petitioner [who has already attained the age of superannuation on 31.05.2016] within a reasonable period as may be fixed by this Court.

For Petitioner : Mr.T.Ranganathan
For Respondents : Mrs.M.E.Rani Selvam, AGP

ORDER

By consent, the writ petition is taken up for final disposal. Mrs.M.E.Rani Selvam, learned Additional Government Pleader accepts notice on behalf of the respondents.

2 The petitioner, while working as the Executive Officer of Thirukazhukundram Town Panchayat, was placed under suspension and it was put to challenge in WP.No.27340/2015 and this Court, directed the 1st respondent to consider the case of the petitioner for revocation of the order of suspension and pass orders and since it was not complied with, contempt petition in Cont.P.No.2740/2015 was filed and thereafter, the 1st respondent has issued orders on 27.01.2016, posting the petitioner to Pennagaram Town Panchayat, Dharmapuri District. The petitioner was to retire on 31.05.2016 on attainment of the age of superannuation and however, a charge memo was issued and as a consequence, the petitioner was placed under suspension and was also not permitted to retire from service. The petitioner, challenging the same, has filed WP.No.19472/2016 and it was entertained and notices were also ordered to the respondents concerned.

3 The grievance expressed by the petitioner is that since his services has been retained beyond the date of superannuation, the 1st respondent has to pay the General Provident Fund, Special

Provident Fund, Encashment of Earned Leave/Private Affairs available to his credit as on 31.05.2016. In this regard, the petitioner has also submitted representations on 22.08.2016 ; 07.10.2016 and 24.11.2016 respectively and since the said representations have not been given disposal, the petitioner came forward to file the present writ petition.

4 The learned counsel for the petitioner would submit that in the light of the order dated 03.09.2014 made in WP.No.8517/2013 ***[D.Muruganandam Vs. The Secretary to Government, Municipal Administration and Water Supply Department, Chennai-9 and 3 others]***, the petitioner is entitled to settlement of the above said benefits and hence, prays for appropriate orders.

5 This Court heard the submissions of Mrs.M.E.Rani Selvam, learned Additional Government Pleader appearing for the respondents.

M.SATHYANARAYANAN. J
AP

6 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 2nd respondent to consider and dispose of the petitioner's representation dated 24.11.2016 on merits and in accordance with law, after taking note of the order dated 03.09.2014 made in WP.No.8518/2013 [cited supra], wherein, the 2nd respondent herein was also arrayed as the 1st respondent and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

7 The writ petition stands disposed of with the above direction. No costs.

21.12.2016

Index : No
Internet : Yes

AP

To

- 1.The Director of Town Panchayats,
Kuralagam, Chennai 600 108.
- 2.The Secretary to Government
Municipal Administration & Water
Supply Department, Secretariat
Chennai 600 009.

W.P.No.43797/2016

<http://www.judis.nic.in>