

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.02.2017

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

WP.No.4679/2017

V.Chandrasekaran

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Petitioner

Versus

The Sub Collector

Tiruppur, Tiruppur District.

Respondent

Writ petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus calling for the entire records relating to the impugned order passed by the respondent in his proceedings Na.Ka.No.1833/2017/A3 dated 30.01.2017 and quash the same and consequently directing the respondent to disburse the Gratuity, Special Provident Fund, Encashment of Earned Leave and Encashment of Unearned Leave on Private Affairs to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondent : 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 respondent.

2 The petitioner, while working as the Village Administrative Officer, Rakkiyapalayam Village, Tiruppur Taluk, was involved in the alleged commission of the offences punishable under the provisions of the Prevention of Corruption Act, 1988, and in this regard, the Inspector of Police, Vigilance and Anti Corruption Detachment, Coimbatore, has registered a case in Cr.No.7/2009/AC/CB dated 21.03.2009. The case after investigation, also culminated into a charge sheet and the same is pending in CC.No.2/2010 on the file of the Court of the Special Judge for Trial of the Prevention of Corruption Act Cases/Chief Judicial Magistrate, Tiruppur. The petitioner, on an earlier occasion, filed WP.No.33011/2016 praying for appropriate direction, directing the respondent to disburse Gratuity, General Provident Fund, Special Provident Fund, Encashment of Earned Leave as well as Unearned Leave on Private

Affairs together with 6th Pay Commission Arrears and the said writ petition was disposed of on 05.10.2016, by directing the respondent to consider and dispose of the petitioner's representation dated 17.06.2016 on merits and in accordance with law within the stipulated time and in compliance of the same, the Sub Collector, Tiruppur, vide his Memo dated 30.01.2017, addressed to the Tahsildar, Tiruppur, South Taluk, with a copy marked to the petitioner, informed him that, insofar as the disbursal of Provident Fund and arrears of 6th Pay Commission, the said official has to take appropriate action and inform the same to the petitioner and however, has not dealt with the request made by the petitioner with regard to the disbursal of the amount, viz., Encashment of Earned Leave and Unearned Leave on Private Affairs and therefore, the petitioner came forward to file this writ petition.

3 The learned counsel for the petitioner has drawn the attention of this Court, to the Judgment dated 06.02.2016 made in WA.No.207/2016 [Chairman-cum-Managing Director, Tamil Nadu Generation and Electricity Distribution Corporation Limited, Chennai-2 and 2 others Vs. V.K.Panchaksharam] and would submit that in the light of the judgment, there cannot be any impediment on the part of the respondent to disburse the amount due and payable towards encashment of Earned Leave and Unearned Leave, accrued prior to the registration of the case and prays for appropriate orders.

4 Per contra, Mrs.M.E.Rani Selvam, learned Additional Government Pleader appearing for the respondent would submit that in the light of the pendency of the criminal case, the decision to disburse the said benefits has been deferred.

5 The Court has considered the rival submissions and also perused the materials placed before it.

6 This Court in series of orders dated 06.08.2014 made in WP.No.20948/2014 and 25.09.2014 made in WP.No.26447/2014, has held that the petitioner is entitled to Leave Encashment Salary also and the above cited Division Bench Judgment also had reiterated the said position.

7 In the light of the above facts and circumstances, this Court directs the respondent to consider the representation dated 17.06.2016 submitted by the petitioner with regard to the disbursal of the amount due and payable towards the Encashment of Earned Leave and Unearned Leave of Private Affairs accrued prior to registration of the criminal case against the petitioner on merits and in accordance with law and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

8 The writ petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

AP

To
The Sub Collector
Tiruppur, Tiruppur District.

+1 cc to the Government Pleader sr 13022

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