

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2017

CORAM:

THE HON'BLE MR. JUSTICE T. RAJA

W.P. No.6791 of 2017

A.K. Selvadurai

Petitioner

vs.

The Revenue Divisional Officer
Collectorate
Kancheepuram

Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus the respondent to disburse the petitioner's contribution to General Provident Fund (GPF), Special Provident Fund (SPF) and Earned Leave encashment benefits within a time frame.

For petitioner Mr. J. Lakshmi Narayanan

For respondent Mr. T.M. Pappiah

Special Government Pleader

ORDER

Mr. T.M. Pappiah, learned Special Government Pleader, accepts notice for the respondent. With consent, this writ petition is taken up for final disposal at the admission stage itself.

2 This writ petition has been filed seeking a writ of mandamus the respondent to disburse the petitioner's contribution to General Provident Fund (GPF), Special Provident Fund (SPF) and Earned Leave encashment benefits within a time frame.

3 While the petitioner was working as Village Administrative Officer in Ariyaperumbakkam Village, Kancheepuram District, he was placed under suspension by the respondent vide order dated 13.08.2009 on the ground that a criminal case was registered against him under Section 7 of the Prevention of Corruption Act, 1988. Subsequently, on 31.12.2009, albeit he reached the age of superannuation, he was not permitted to retire from service and an order dated 31.12.2009 was passed by the respondent under Rule 56(i)(c) of the Fundamental Rules retaining him in service. The petitioner's grievance is that albeit he is not retired from service, he is entitled to get

General Provident Fund Special Provident Fund and Earned Leave encashment benefits. Ergo, he addressed a representation on 01.11.2016 to the respondent, which has not yet been acted upon. Hence, he has filed the instant writ petition seeking aforestated relief.

4 In the considered opinion of this Court, as the petitioner's contribution made towards General Provident Fund, Special Provident Fund and Earned Leave encashment benefits are required to be disbursed to the petitioner, his representation deserves to be considered by the respondent.

5 Further, the learned counsel for the petitioner, inviting the attention of this Court to the proceedings dated 10.06.2016 bearing Na.Ka. 3397/2008/m3 that was issued by the Sub-Collector, Kancheepuram, submitted that in similar circumstances, one E. Panneerselvam, former Village Administrative Officer of Siradamur Village, Uthiramerur Circle, Kanchipuram District, was extended the said benefits while he was retained in service even after attaining the age of superannuation for similar charges.

6 A cursory reading of the aforesaid proceedings clearly indicates that on a similar request made by the aforesaid E. Panneerselvam, General Provident Fund, Special Provident Fund and Earned Leave encashment benefits were disbursed to him. Ergo, the petitioner's case also requires to be considered in the light of the proceedings dated 10.06.2016 of the Sub-Collector, Kanchipuram.

7 In such view of the matter, the petitioner is directed to address a fresh representation to the respondent, enclosing a copy of the aforesaid proceedings dated 10.06.2016, within a period of one week from the date of receipt of a copy of this order and on receipt of the same, the respondent shall consider and pass orders within a period of four weeks.

With the above directions, this writ petition stands disposed of. Costs made easy.

WEB COPY

-s/d-

Assistant Registrar(CSVI)

True Copy

Sub-Assistant Registrar

cad

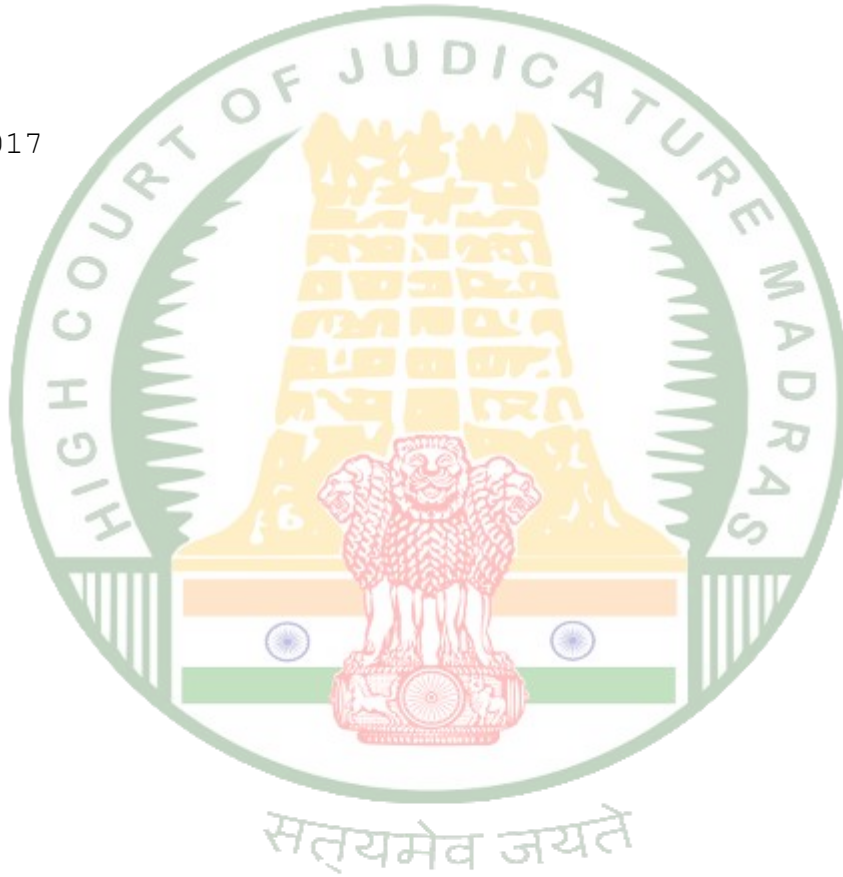
To

The Revenue Divisional Officer
Collectorate
Kancheepuram

+1 cc to M/s.J.Lakshmi Narayanan Advocate sr 17473
+1 cc to the Government Pleader sr 17956

W.P. No.6791 of 2017

rv(co)
aa17/04/2017



WEB COPY