

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.2660 of 2017

S.Thillai Govindan

... Petitioner

Vs.

1.The District Collector,
Cuddalore District,
Cuddalore.

2.The Principal/Accountant General (A & E),
Tamil Nadu,
Chennai - 600 018.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of writ of mandamus, directing the 1st respondent to sanction a part final withdrawal of 90% of G.P.F amount (No.85306/GA) pursuant to the application dated 21.07.2016 and forward the same to the 2nd respondent for issuing necessary authorization.

For Petitioner : Mr.M.Ravi
For Respondents : Mr.O.Selvam,
Government Advocate (R1)
Mr.V.Vijaya Sankar (R2)

O R D E R

By consent, this writ petition is taken up for final disposal.

2.The petitioner, while working as Tahsildar, was visited with criminal prosecution in Crime No.3/2014 registered by the District Crime Branch, Cuddalore and he was arrested on 24.01.2014 and later on enlarged on bail and was placed under suspension on 27.01.2014. Pursuant to the order dated 29.10.2015 passed in W.P.No.34562 of 2015, his suspension was revoked without prejudice to the pendency of the criminal case and is presently posted as ***Special** Tahsildar, Land Acquisition, Neyveli. The petitioner is retiring from service on 28.02.2017 A.N. and the grievance expressed by the petitioner is that he is entitled for part withdrawal of 90% of the balance amount from his G.P.F amount as per G.O.Ms.No.535, Finance Department dated 19.07.1991 and the Government Letter No.99253/Allowances 96, Finance Department dated 04.07.1997. Since he is retiring on

28.02.2017, in this regard, though a representation dated 15.12.2016 was submitted to the 1st respondent, no orders have been passed and hence, came forward to file this Writ Petition.

3.The learned counsel appearing for the petitioner has drawn the attention of this Court to the order dated 08.06.2015 made in W.P.No.16098 of 2015 [D.Sugumar Vs. The District Collector, Erode District, Erode and another] and would submit that in similar circumstances, this Court has passed a positive order directing the 1st respondent therein to pass appropriate orders as to the disbursal of the said benefits and prays for similar orders.

4.Heard the submissions of the learned counsel appearing for the petitioner, Mr.O.Selvam, learned Government Advocate, who accepts notice on behalf of the 1st respondent and Mr.V.Vijaya Sankar, who accepts notice on behalf of the 2nd respondent.

5.Though the petitioner prays for 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 1st respondent to consider and dispose of the petitioner's representation dated 15.12.2016, and pass 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 and communicate the decision taken, to the petitioner.

6. The Writ Petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VII)

Dated:09/02/2017

*Corrected as per order of
this Court dated 17/2/17

Sd/-

Assistant Registrar(CS-VII)

Dated:21/2/2017

//True Copy//

Sub Assistant Registrar

To

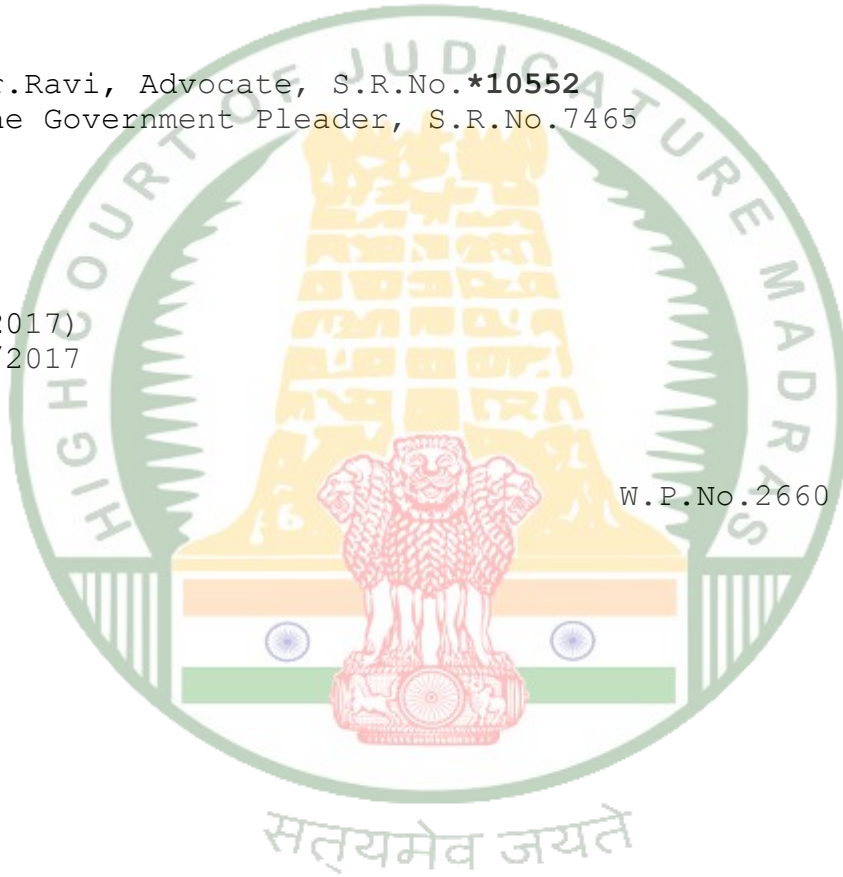
1.The District Collector,
Cuddalore District,
Cuddalore.

2.The Principal/Accountant General (A & E),
Tamil Nadu, Chennai - 600 018.

Corrected order
to be substituted
to the order
already despatched
on 09/02/2017

+1cc to Mr.Ravi, Advocate, S.R.No.*10552
+1cc to the Government Pleader, S.R.No.7465

UG(CO)
RS(09/02/2017)
srg 21/02/2017



W.P.No.2660 of 2017

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