

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.1856/2017

N.Ganesan

.. Petitioner

Vs

The District Collector
[Nutritious Meals Project Wing]
Salem District, Salem.

.. Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the respondent to disburse to the petitioner within a time frame [1] Encashment of Earned Leave and Unearned Leave on Private Affairs at the petitioner credit [2] General Provident Fund [3] special Provident Fund [petitioner's contribution] [4] Payment of Provisional Pension, from 01.10.016 and [5] the payment of subsistence allowance with effect from the date of petitioner suspension till the date of the petitioner retirement, along with interest on all the delayed payments, consequent on his retirement on 30.09.2016 AN.

For Petitioner : Ms.Rose Kamalam for Mr.M.Ravi

For Respondent : Mr.P.Sanjay Gandhi,
Additional Government Pleader.

ORDER

By consent, the writ petition is taken up for final disposal. M..P.Sanjay Gandhi, learned Additional Government Pleader accepts notice on behalf of the sole respondent.

2 The petitioner, while serving as Nutritious Meals Organiser, Panchayat Union Elementary School, Azhagapuram, Salem Union, was placed under suspension by the respondent vide proceedings dated 23.06.2014 and he has reached the age of superannuation, he was not permitted to retire from service by the respondent vide order dated 30.09.2016. The grievance expressed by the petitioner is that de hors the fact that he has been placed under suspension, the respondent has also extended the order of suspension beyond the age of superannuation and hence, the petitioner is

entitled to be paid with the terminal benefits such as Encashment of Leave on Credit, General Provident Fund, Special Provident Fund [petitioner's contribution], apart from the subsistence allowance and in this regard, the petitioner has submitted a representation dated 23.11.2016 to the respondent and despite the receipt and acknowledgment, he is yet to be favoured with any kind of response and therefore, he came forward to file the present writ petition.

3 The learned counsel for the petitioner, in support of her submissions, has placed reliance upon the order dated 27.01.2015 made in WP.No.21750/2015 [T.L.Nageswara Rao Vs. the District Collector, Tiruvallur District, Tiruvallur] as well as the judgment dated 13.04.2016 made in WA.No.458/2016, wherein, the order passed in WP.No.27150/2015, came to be confirmed and prays for appropriate orders.

4 Per contra, Mr.P.Sanjay Gandhi, learned Additional Government Pleader appearing for the respondent would submit that having submitted the representation, the petitioner has not enclosed the acknowledgment.

5 This Court has considered the rival submissions and also perused the typed set of documents.

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, permits the petitioner to submit a representation to the respondent along with a copy of this order as well as a copy of the earlier representation dated 23.11.2016 within a period of two weeks from the date of receipt of a copy of this order and the respondent, upon receipt of the same, is directed to consider the said representation on merits and in accordance with law and pass orders within a further period of four weeks thereafter and communicate the decision taken, to the petitioner.

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

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

AP

To

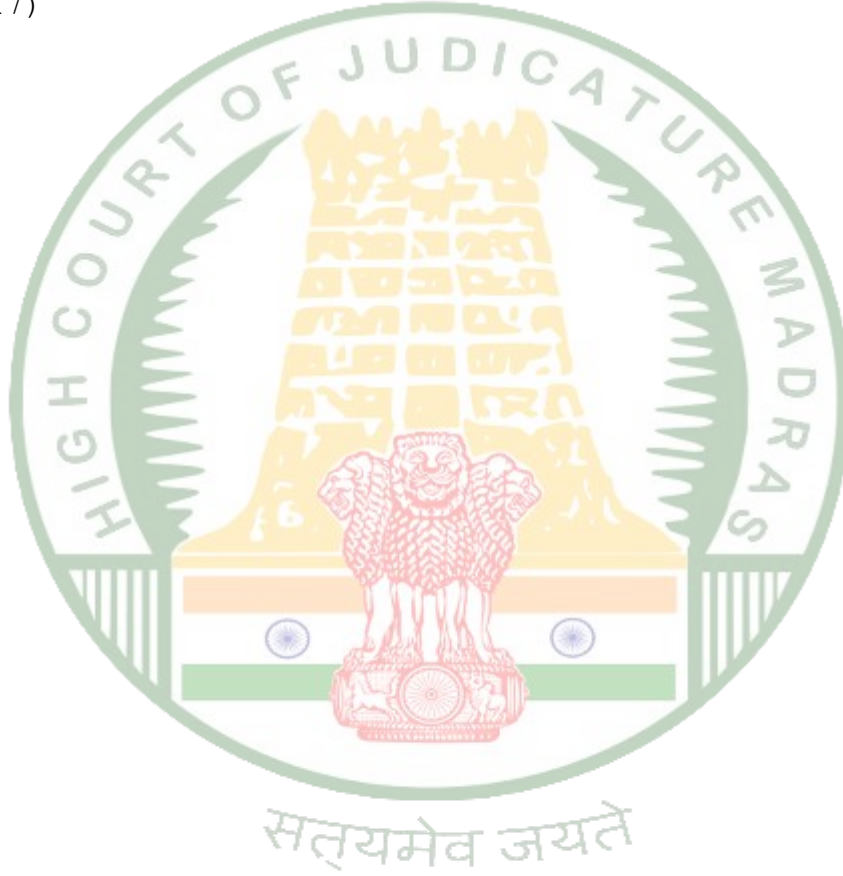
The District Collector
[Nutritious Meals Project Wing]
Salem District, Salem.

+1cc to M/s.M.Ravi, Advocate sr.5056

+1cc to The Government Pleader sr.5306

W.P.No.1856/2017

rsk(co)
ss(2/2/2017)



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