

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.29969 of 2017
and
WMP Nos.32485 and 32486 of 2017

N.Soundararajan

..Petitioner

-vs-

1. The Govt., of Tamilnadu rep.
by Secretary to Government,
Municipal Admin & Water
Supply Dept., Secretariat,
Chennai - 600 009
 2. The Commissioner of Municipal
Administration, Chennai
 3. The Municipal Commissioner
Arni Municipality,
Arni, Tiruvannamalai District
- ...Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus to call for the records on the file of the 3rd respondent in Pro.Na.Ka.No.19115/2006/H1 dated 27.04.2016 to quash the same and issue consequential directions to the respondents to permit the petitioner to retire from service on 30.04.2016 AN with all consequential benefits.

For Petitioner :: Mr.M.Ravi
For Respondents :: Mr.P.Sanjay Gandhi
Additional Government Pleader

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O R D E R

With consent, the main writ petition itself is taken up for final disposal at the admission stage.

2. The Writ Petition has been filed challenging the impugned order dated 27.04.2016, wherein the petitioner was not allowed to retire from service on reaching the age of superannuation.

3. Learned counsel for the petitioner submitted that the petitioner had reached the age of superannuation on 30.04.2016.

In view of the pendency of criminal case registered against the petitioner, in Crime No.96 of 2007, for offence under Section 420 of IPC, on the basis of the Complaint dated 25.05.2007 lodged by one V.Elumalai, son of Venugopal, he was placed under suspension in the year June, 2007. Pursuant to the FIR registered in the year 2007, by Arani Town police Station, the petitioner is now, restricting his prayer, i.e., only to disburse the part of his retirement benefits, i.e., Encashment of Earned Leave and Encashment of Unearned Leave, his contribution towards General Provident Fund and Special Provident Fund.

4. Heard the learned counsel on either side and perused the documents available on record.

5. Since this Court has already held that the Government servant's contribution towards General Provident Fund, Special Provident Fund, Encashment of Earned and Unearned Leave can be disbursed, insofar as this case is concerned, without going into the merits of the matter, this Court, directs the respondents to disburse the petitioner's contribution towards General Provident Fund, Special Provident Fund, Encashment of Earned and Unearned leave. In view of the same, the petitioner is directed to submit a representation to the respondents within a period of one week from the date of receipt of copy of the order. On receipt of such representation, the respondents are directed to consider the same within a period of four weeks thereafter, in the light of the Judgment passed by this Court in W.A.No.458 of 2016, wherein among other things it is held as follows:-

"3..... The learned Single Judge, observing that the terminal benefits are the respondent's properties and as such, the same cannot be withheld by the State, even assuming that he is dismissed from service, disposed of the writ petition with a direction to the appellant to disburse the terminal benefits, as aforestated, to the respondent, within a period of six weeks. Feeling, aggrieved, the State has come up with this intra-Court appeal."

With the above said observation, this Writ Petition is disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

-s/d-

Deputy Registrar

True Copy

Sub-Assistant Registrar

ssd
To

1. The Govt., of Tamilnadu rep.
by Secretary to Government,
Municipal Admin & Water
Supply Dept., Secretariat,
Chennai - 600 009
2. The Commissioner of Municipal
Administration, Chennai
3. The Municipal Commissioner
Arni Municipality,
Arni, Tiruvannamalai District

+1 CC to Mr.M.Ravi, Advocate sr 83469.
+1 Cc to Govt. Pleader sr 83639.

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SP(20/12/2017)



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