

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.6956 of 2018

M.Nagarajan

.. Petitioner

-VS-

1.The Commissioner,
Hindu Religious and Charitable Endowment
Department,
Nungambakkam, Chennai - 34.

2.The Assistant Commissioner,
ICON Preservation Centre,
Hindu Religious and Charitable Endowment
Department,
Thiruvavarur. .. Respondents

Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of mandamus to direct the respondents to consider the representation submitted by the petitioner dated 03.08.2017 and to pass orders granting Special Provident Fund, Encashment of Earned Leave, Unearned Leave of Private Affairs, Family Health Fund, etc., to the petitioner along with interest for the belated payment, within a time frame.

For Petitioner :: Mr.G.Sankaran

For Respondents :: Mr.M.Maharaja, Spl.GP

सत्यमेव जयते
O R D E R

The petitioner seeks for issuance of a writ of mandamus to direct the respondents to consider and pass orders on his pending representation dated 03.08.2017 requesting them to grant Special Provident Fund, Encashment of Earned Leave, Unearned Leave of Private Affairs and Family Health Fund, along with interest for the belated payment.

2. Heard both sides.

3. The petitioner was dismissed from service on 11.04.2015 while he was working as Inspector in Hindu Religious and Charitable Endowment Department, in view of his conviction by

the learned Chief Judicial Magistrate Court, Ramanathapuram, in C.C.No.2 of 2005, dated 14.11.2014, imposing to undergo simple imprisonment for a period of one year with a fine of Rs.25,000/-. However, the grievance of the petitioner is that although he has made a representation dated 03.08.2017 requesting the authorities to settle his part of retiral benefits, namely, Special Provident Fund, Encashment of Earned Leave, Unearned Leave on Private Affairs and Family Health Fund, including the interest on the belated payment, the same has not been till date disposed of by the respondents.

4. Learned counsel for the petitioner has relied upon a judgment passed by me in J.Fernandez v. the Commissioner of Technical Education, Chennai, and another (W.P.No.1838 of 2018, dated 30.01.2018). In the said case also, when a similar prayer was made seeking a direction to the respondents therein to release the Special Provident Fund, Encashment of Earned Leave and Private Affairs, this Court, by taking note of a judgment passed by the Hon'ble Division Bench in W.A.No.207 of 2016, dated 26.02.2016, confirming the order passed in W.P.No.15457 of 2015, dated 02.06.2015, directing the official respondents therein to disburse the encashment of earned leave and encashment of unearned leave on private affairs to the writ petitioner therein, has issued a similar direction to the respondents therein to disburse the amount contributed by the petitioner towards Special Provident Fund, Encashment of Earned Leave and Unearned Leave on Private Affairs.

5. Mr.M.Maharaja, learned Special Government Pleader, by accepting notice for the respondents, sought for three weeks time to pass orders on the pending representation dated 03.08.2017 of the petitioner.

6. In view of the above, this Court hereby directs the respondents to release a part of the petitioner's contribution towards Special Provident Fund, Encashment of Earned Leave, Unearned Leave of Private Affairs and Family Health Fund, within a period of three weeks from the date of receipt of a copy of this order. However, with regard to the claim of interest, this Court is not inclined to agree with the same, as the petitioner was found guilty by the criminal court as stated above. With this direction, the writ petition is disposed of. No Costs.

s/d-

Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

To

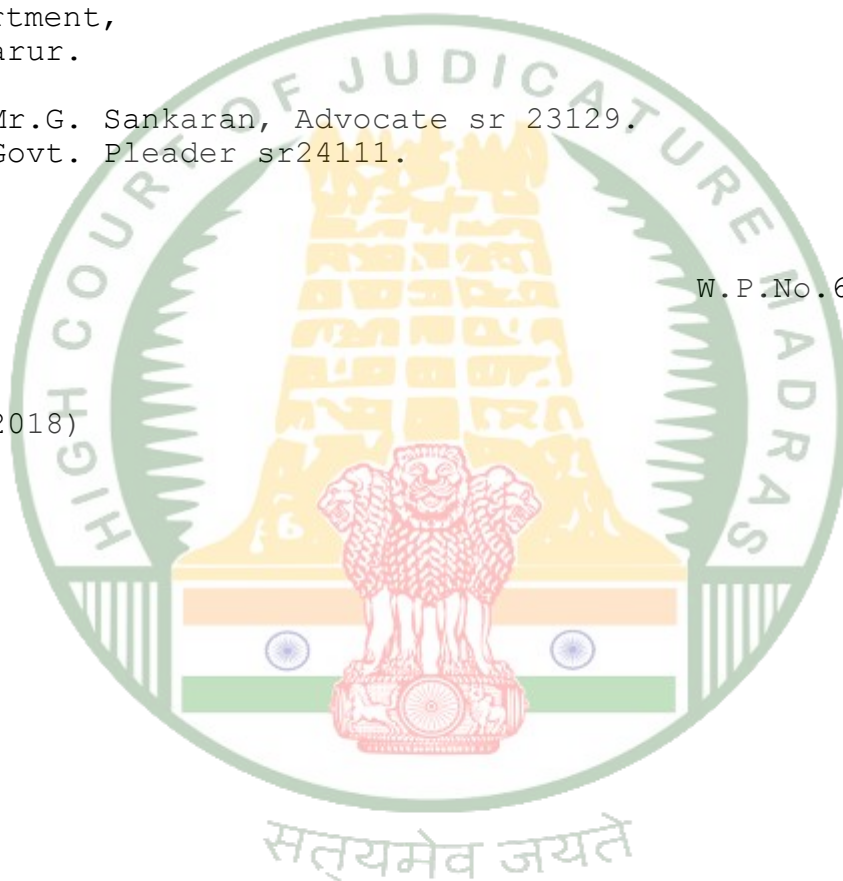
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Thiruvavarur.

+1 CC to Mr.G. Sankaran, Advocate sr 23129.
+1 CC to Govt. Pleader sr24111.

W.P.No.6956 of 2018

RJ(CO)
SP(16/04/2018)



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