

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.04.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.8947 of 2018

and W.M.P.Nos.10800 & 10801 of 2018

C.S.Ravindran ... Petitioner

.Vs.

- 1.The Additional Director General of Police and
Inspector General of Prisons,
Whannels Road, Egmore,
Chennai - 600 008.
2. The Secretary to Government,
Home (Prison) Department,
Secretariat, Chennai - 600 009. ...Respondents.

Prayer:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari fied Mandamus calling for the records relating to the impugned order of the of the 1st respondent issued in Letter No.7435/EW.4/17 dated 01.03.2018 and quash the same, consequently direct the 2nd respondent to sanction and disburse the Special Provident Fund, Encashment of Earned Leave and Private Affairs at the credit of the Petitioner as on 31.05.2017, within a reasonable period.

For Petitioner : Mr.T.Ranganathan

For Respondents : Mr.V.Kadhirvelu
Special Government Pleader

ORDER

The relief sought for in this writ petition is to quash the impugned order issued by the first respondent in proceedings dated 01.03.2018 and direct the first respondent to settle the encashment of Earned Leave and private affairs.

2. The writ petitioner was appointed as Assistant Jailor on 01.02.1985 and promoted to the post of Deputy Jailor in the year 1993 and to the post of Additional Superintendent of Prisons in

the year 2010 and also as Superintendent of Prisons on July 2013. On account of certain allegations, disciplinary proceedings were initiated against the writ petitioner in charge memo dated 27.05.2014 and the final order in the disciplinary proceedings are yet to be passed. The writ petitioner attained the age of Superannuation on 31.05.2017 and he was not allowed to retire from service and placed under suspension. On account of the fact that the disciplinary proceedings were pending against him. However, the writ petitioner has submitted a representation to settle the General Provident Fund and Special Provident Fund and encashment of unearned leave. The issues in relation to the settlement of the above benefits are considered by the Hon'ble Division Bench as well as by this Court in W.P.No.139 of 2016 dated 22.08.2017 and relevant paragraphs are extracted hereunder.

'6. In this regard, the learned counsel for the writ petitioner urged this Court in respect of the order passed in W.P.No.15457 of 2015 on 02.06.2015, paragraph-7 of the order is extracted is under:-

"7. In view of the same, a direction is issued to the respondents to disburse Encashment of Earned Leave and Encashment of Unearned Leave on Private Affairs. As far as Special Provident Fund is concerned, the respondents are directed to refund the same, if there is any contribution made by the petitioner. If petitioner has contributed towards other terminal benefits, the extent to the contribution made by the petitioner shall also be paid. The respondents are directed to disburse the aforesaid amount, within a period of six weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed."

7. The abovesaid order was taken by way of an appeal before the Hon'ble Division Bench in W.A.No.207 of 2016 and the order passed in that writ petition was confirmed and the Writ Appeal was dismissed. The State preferred SLP (C) No.016229 of 2016 and the same was also dismissed on 06.07.2017.'

3. In view of the above judgment, the respondents are directed to disburse the personal contribution including the General Provident Fund, Special Provident Fund encashment of Earned leave and encashment of unearned leave as early as possible, within a period of twelve weeks from date of receipt of copy of this order.

4. Accordingly, this writ petition is disposed of. Consequently, connected miscellaneous petitions are closed. However, there is no order as to costs.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

msv/ah

To

1. The Additional Director General of Police and
Inspector General of Prisons,
Whannels Road, Egmore,
Chennai - 600 008.

2. The Secretary to Government,
Home (Prison) Department,
Secretariat, Chennai - 600 009.

+1cc to Mr.T.RANGANATHAN, Advocate, S.R.No. 27828

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NA (CO)
TR(14/05/2018)



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