

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.21113 of 2018 and W.M.P.No.24770 of 2018

C.Devarajulu

....

Petitioner

Vs

1.The District Collector
Vellore District, Vellore.

2.The Sub Collector / Revenue Divisional Officer
Tirupathur, Vellore District. Respondents

For Petitioner : Mr.C.Prakasam
For Respondent : Mr.R.S.Selvam,
Government Advocate

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents to disburse the Special Provident Fund, Encashment of Earned Leave and Encashment of Unearned Leave on Private Affairs to the petitioner.

ORDER

By an order dated 28.02.2015, the second respondent placed the petitioner on suspension and the petitioner was also not permitted to retire from service. The petitioner approached this Court by filing W.P.No.8574 of 2015 and the same was withdrawn by the petitioner, on the ground that the respondents assured to disburse the retirement benefits after disposal of the similar writ petitions pending before this Honourable Court.

2. Thereafter, the Division Bench of this Court, in W.A.No.207 of 2016, covering similar issue with respect to an employee of Tamil Nadu Electricity Board, confirmed the order passed by the single judge in W.P.No.15457 of 2015, holding that the petitioner therein was entitled to the encashment of earned leave and unearned leave on private affairs, he was also entitled to special provident fund, insofar as the contribution, if any, made by the employee. The petitioner herein has submitted a representation to the respondents on

06.07.2018 in this regard, which has not been considered by the respondents till date, which has forced the petitioner to approach this Court once again for appropriate relief.

3. A perusal of the order passed by this Court in W.A.No.207 of 2016 would go to show that in cases where criminal cases are pending, the respondents were directed to disburse encashment of earned leave and encashment of unearned leave on private affairs and special provident fund, if any contribution was made by the petitioner therein.

4. Learned counsel for the petitioner would submit that the facts and circumstances of the said case in W.A.No.207 of 2016 would squarely apply to the petitioner and the petitioner may also be provided with similar relief.

5. Mr.R.S.Selvam, learned Government Advocate takes notice on behalf of the respondents and has produced a letter dated 10.11.2018, from the Sub Collector, Tirupattur, wherein it is stated that the respondents shall take steps for disbursement of the Special Provident Fund and the petitioner is not entitled to encashment of Earned Leave, encashment of Unearned Leave on Private Affairs and other monetary benefits as per Rule 56(1)(c) of the Tamil Nadu Government Services Rules, when the petitioner is under suspension, till the vigilance and anti corruption case is finalised.

5. However, considering the facts and circumstances of the case, which is squarely covered by the aforesaid judgment of the Division Bench of this Court, this Court is of the view that the petitioner is entitled to encashment of earned leave and unearned leave on private affairs. The respondents are directed to disburse the encashment of earned leave and unearned leave on private affairs to the petitioner. In respect of the special provident fund, it is directed that if any contribution is made by the writ petitioner, the same shall be paid to him. The above disbursements shall be effected within a period of eight weeks from the date of receipt of a copy of this order. The writ petition is disposed of the above terms. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

KST

To

1.The District Collector
Vellore District, Vellore.

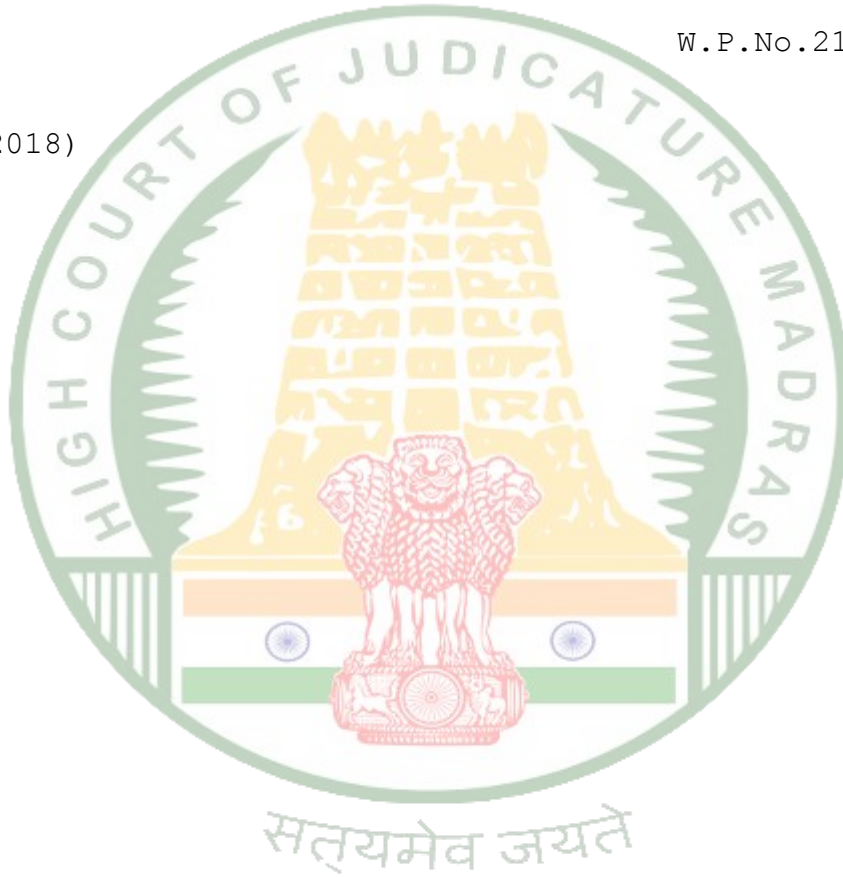
2.The Sub Collector / Revenue Divisional Officer
Tirupathur, Vellore District.

+1 CC to Mr.C.Prakasam, Advocate sr 85702.

+1 CC to Govt. Pleader sr 86242

W.P.No.21113 of 2018

PVS (CO)
SP(31/12/2018)



WEB COPY