IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 17.09.2018

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THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.24295 of 2018 and WMP No.28311 of 2018

R.Govindaraju ... Petitioner

Versus

1. The Government of Tamil Nadu,
Represented by Secretary to Government,
Commercial Taxes and Registration Department,
Secretariat, Chennai 600 009.

2. The Inspector General of Registration,
No.100, Santhome High Road,
Pattinapakkam, Chennai 600 028.

3. The Principal Accountant General (A&E),
Teynampet, Tamil Nadu,
Chennai 600 018 ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of certiorarified mandamus to call for the records of the second respondent relating to the order in proceedings No.18879/A3/2018 dated 09.05.2018 to quash the same and to issue consequential directions to the respondents to further sanction and disburse to the petitioner, the encashment of surrender of Earned Leave and unearned Leave on private affairs, petitioner's contribution to Special Provident Fund, Family Benefit fund and in any event within a stipulated time.

For Petitioner : Mr.M.Ravi
For Respondents : Mr.M.Thamizharasan, Government Advocate

O R D E R

The petitioner in this case challenging the rejection of his prayer for surrender leave, leave on private affairs, contribution to family benefit fund, but the same having been rejected vide order dated 09.05.2018 on the ground that the petitioner is a dismissed employee, not entitled to the aforesaid benefit in spite of direction of this Court in WP No.5712 of 2018 dated 14.03.2018 for consideration of his representation.

2. Heard the submission of learned counsel appearing for the parties on both sides.

3. As it appears, this Court in WP No.21750 of 2015, had directed that the contribution to the General Provident Fund, Special provident fund, encashment of earned leave and unearned leave on private affairs cannot be denied to the employee even if he dismissed from service. In an appeal being carried out against the said order in WA No.458 of 2016, the Appellate Authority did not interfere with the same and as such, confirmed the aforesaid order. In view of the aforesaid law laid down by this Court, the rejection of the prayer of the petitioner on the ground that after his dismissal from service is not entitled to the aforesaid relief from the employer, therefore is of without any substance. Accordingly, the impugned order is set aside and the respondent is directed to pay the petitioner the amount towards the Surrender leave, Earned Leave, unearned leave on private affairs, Provident Fund Contribution as well as the contribution towards the Family Benefit Fund, within a period of eight weeks from the date of receipt of copy of this order. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Government of Tamil Nadu,
   Represented by Secretary to Government,
   Commercial Taxes and Registration Department,
   Secretariat, Chennai 600 009.

2. The Inspector General of Registration,
   No.100, Santhome High Road,
   Pattinapakkam, Chennai 600 028.

3. The Principal Accountant General (A&E),
   Teynampet, Tamil Nadu,
   Chennai 600 018

+1cc to Mr.M.Ravi, Advocate, S.R.No.64783
+1cc to the Government Pleader, S.R.No.64972

W.P.No.24295 of 2018

rrs 01/10/2018