

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

Writ Petition No. 28131 of 2018

N.Marimuthu

.. Petitioner

Vs.

1. Government of Tamil Nadu,
Represented by Principal Secretary to
Government,
Social Welfare and Nutritious
Meals Scheme Department,
Secretariat, Chennai-600 009.
 2. The Director of Social Welfare,
Chennai- 600 002.
 3. The Director
Integrated Child Development Service Scheme
Taramani,
Chennai - 600 113.
 4. The Principal Accountant General (A & E)
Teynampet, Tamil Nadu
Chennai 600 018
- .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents herein to forthwith sanction and disburse the encashment of surrender of earned leave and unearned leave on private affairs to the petitioner along with his contribution to any of the funds such as GPF, SPF etc. unpaid to him till date and in any event to pay the same with interest on the delayed payment within a limited time frame.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.D.Suriyanarayanan
Additional Government
Pleader (R1 to R3)

O R D E R

Mr.D.Suriyanarayanan, learned Additional Government Pleader takes notice on behalf of the respondents 1 to 3.

2. This Writ Petition has been filed seeking for a direction to the respondents herein to forthwith sanction and disburse the encashment of surrender of earned leave and unearned leave on private affairs to the petitioner along with his contribution to any of the funds such as GPF, SPF etc. unpaid to him till date and in any event to pay the same with interest on the delayed payment.

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

3. The main grievance of the petitioner is that he made a representation to the respondents on 14.03.2018, requesting them to disburse the encashment of surrender of earned leave and unearned leave on private affairs and his contribution towards Family Benefit Fund and Provident Fund. Since, the same evoked no response, he has come forward with this Writ Petition seeking for the aforesaid relief.

4. 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 respondent is directed to pay the petitioner the amount towards the encashment of 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.

Sd/-
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

arr

To

1. The Principal Secretary to Government of Tamil Nadu,
Social Welfare and Nutritious
Meals Scheme Department,
Secretariat, Chennai-600 009.
2. The Director of Social Welfare,
Chennai- 600 002.
3. Mr.Karuppusamy
Director of Elementary Education
DPI Campus, College Road
Chennai 600 006.
2. Mr.K.Subramanian
District Educational Officer
Hosur Taluk, Krishnagiri District.
3. Mr.V.Satheesh Kumar
Block Educational Officer
Sulagiri
Krishnagiri District
4. The Director
Integrated Child Development Service Scheme
Taramani, Chennai - 600 113.
5. The Principal Accountant General (A & E)
Teynampet, Tamil Nadu
Chennai 600 018

+1cc to Mr.M.Ravi, Advocate SR.No.73728

+1cc to Government Pleader SR.No.73926

सत्यमेव जयते

W.P..No. 28131 of 2018

VG II(CO)

GMY (03/12/2018)

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