

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.10.2018

Coram

The Hon'ble Mr.Justice Satrughana Pujahari

Writ Petition No.28804 of 2018

and

W.M.P.No.33655 of 2018

K. V. Vanamalidharan

...Petitioner

Vs.

1. State of Tamil Nadu,  
rep. by its Secretary,  
Revenue Department,  
Fort St.George, Chennai - 600 009.
2. The District Collector,  
Thiruvallur District.
3. The Principal Accountant General (A & E)  
Teynampet, Chennai - 600 018. ....Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus to call for records of the second respondent dated 25.09.2018 and to quash the same and consequently, to direct the respondents to settle the claim of the petitioner for General Provident Fund, Special Provident Fund, encashment of Earned Leave, encashment of un-earned leave standing to the credit of the petitioner as on 31.08.2018.

For Petitioner

: Mrs.Dakshayani Reddy  
FOR M/s.P.NETHAJI

For Respondents 1 &2

: Mr.D.Suriya Narayanan  
Additional Government Pleader

O R D E R

Mr.D.Suriya Narayanan, learned Additional Government Pleader accepts notice on behalf of the respondents 1 and 2. Since no relief is being sought for against the third respondent, no notice be issued to him.

2. The grievance of the petitioner, in this Writ Petition is with regard to non payment of General Provident Fund, Special Provident Fund, Earned Leave on private affairs on the ground that criminal proceeding has been initiated against him, pursuant to which, he was not allowed to retire from service.

3. Heard the learned counsel appearing for the parties.

4. Considering the aforesaid facts and submission made, especially, the fact that the petitioner's case is squarely covered by a decision of Division Bench of this Court, in W.A.No.1510 of 2018, confirming the learned Single Judge's decision rendered in W.P.No.22249 of 2018, wherein, it is held that even a dismissed employee is entitled to the terminal benefits, following the said principle, this Court, notwithstanding the impugned order of refusal, allows this Writ Petition, quash such order and directs the respondent No.2 to consider the matter afresh taking note of the law laid down by this Court in the aforementioned decision and pass orders granting aforesaid benefits to the petitioner within a period of fifteen days from the date of receipt of a copy of this order. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

sd

Sd/-  
Deputy Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary,  
The State of Tamil Nadu,  
Revenue Department,  
Fort St.George, Chennai - 600 009.
2. The District Collector, Thiruvallur District.
3. The Principal Accountant General (A & E)  
Teynampet, Chennai - 600 018.

+ 1 cc to M/s.P.Nethaji, Advocate SR. No.75067  
+ 1 cc to The Govt. Pleader, SR.No.75918

KR/9/11/18

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