



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2018

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P (MD) No.14006 of 2018

Muthuramalingam

... Petitioner

Vs.

1.The District Collector,
Tiruchirappalli,
Tiruchirappalli District.

2.The Revenue Divisional Officer,
Lalgudi Division, Lalgudi,
Tiruchirappalli District.

3.The Tahsildar,
Manachanallur Taluk,
Manachanallur,
Tiruchirappalli District.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd and 3rd respondents to give the enhancement of leave salary and Special Provident Fund for a period of 8 months on the basis of the petitioner representation dated 28.02.2018.

For Petitioner : Mr.A.Rajaram

For Respondents : Mr.D.Muruganantham, Spl.G.P.

O R D E R

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the 2nd and 3rd respondents to give the enhancement of leave salary and Special Provident Fund for a period of 8 months on the basis of the petitioner representation dated 28.02.2018.

2.Heard Mr.A.Rajaram, learned counsel appearing for the petitioner and Mr.D.Muruganantham, learned Additional Government Pleader appearing for the respondents.

3.The learned counsel appearing for the petitioner submits that, the petitioner was working as Village Administrative Officer under the third respondent office and he was last serving at



Solanganallur Village, Mannachanallur Taluk, Tiruchirapalli District. His superannuation was on 31.07.2011. However, by proceedings dated 28.07.2011 of the second respondent, the petitioner was not permitted to retire as there was a pendency of a criminal case under Prevention of Corruption Act before the Chief Judicial Magistrate, Tiruchirapalli. The petitioner therefore was given only subsistence allowance. He had also received General Provident Fund. However, he has not received encashment of leave salary as well as the Special Provident Fund account No.I and II till date. In this regard, the petitioner has given representation to the respondents on 28.02.2018. Therefore, if the said representation is directed to be considered and an order to that effect is directed to be passed, within a time frame, by the respondents, the petitioner would be satisfied.

4.I have heard the learned standing counsel appearing for the respondents, who would submit that the petitioner's request would be considered on merits and in accordance with law, within a time frame.

5.I have considered the submissions made by both sides.

6.Insofar as the disbursement of encashment of leave salary as well as the Special Provident Fund amount is concerned, even a person has not been permitted to retire because of disciplinary proceedings and ultimately, if the disciplinary proceeding went against the employee/government servant, that would not any way preclude the employee to get the said benefit as the issue in this regard has already been settled in a number of decisions of this Court. Therefore, the petitioner, at any rate, would be entitled to get the said benefits, since he has already given representation to that effect on 28.02.2018, this Court is inclined to pass the following order:

"The respondents shall consider the said request of the petitioner dated 28.02.2018 and pass orders thereon for grant of disbursement of encashment of leave salary as well as the special provident fund account NO.I and II, by calculating the said amount and disburse the same to the petitioner, within a period of six weeks from the date of receipt of a copy of this order".

6.With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //



To

1.The District Collector,
Tiruchirappalli,
Tiruchirappalli District.

2.The Revenue Divisional Officer,
Lalgudi Division, Lalgudi,
Tiruchirappalli District.

3.The Tahsildar,
Manachanallur Taluk,
Manachanallur,
Tiruchirappalli District.

+1 CC To MR.A.RAJARAM, Advocate SR. NO. 70803

+1 CC TO The Special Government Pleader SR.NO. 70902

W.P(MD)No.14006 of 2018

02.07.2018

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