



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2018

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) .No.17836 of 2018

R.Gunaseelan

... Petitioner

Vs.

The District Collector,
Tiruchirappalli District,
Tiruchirappalli.

... Respondent

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent i.e., the District Collector, Tiruchirappalli to take immediate action to disburse the Encashment of Leave Salary and Special Provident Fund within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam
For Respondent : Mr.S.Dhayalan,
Government Advocate.

ORDER

This Writ Petition has been filed seeking a direction, directing the respondent i.e., the District Collector, Tiruchirappalli to take immediate action to disburse the encashment of leave salary and special provident fund, within a time frame.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondent.

3.The learned counsel appearing for the petitioner has submitted that even though he had attained the age of superannuation, he has been kept under suspension on the ground that a case in C.C.No.13 of 2013 is pending against the petitioner. Therefore, the terminal benefits have not been disbursed to him so far. He has further submitted that even a dismissed employee cannot be deprived of certain benefits, such as provident fund and encashment of leave salary unless or otherwise,



charges were established.

4.The learned Government Advocate appearing for the respondent submitted that in C.C.No.13 of 2013, investigation has been completed and a charge sheet has also been laid before the jurisdictional Court and the petitioner has not co-operated with the enquiry.

5.In the above circumstances, the amount claimed by the petitioner cannot be withheld and hence, the same has to be disbursed. Therefore, this Court directs the respondents to dispose of the representation of the petitioner dated 28.04.2016 and pass appropriate orders on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order.

6.It is needless to mention that the departmental enquiry shall be proceeded with on day today basis without adjourning the matter beyond 7 working days at any point of time and the petitioner is expected to co-operate with the enquiry and he shall not try to stall the proceedings. If he is aggrieved by any of the findings of the authority concerned, he can approach the Court only after final orders on completion of the enquiry, failing which, the subsistence allowance can be reduced to 50%.

7.Accordingly, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar(CS-II)

To

The District Collector,
Tiruchirappalli District,
Tiruchirappalli.

+ 1 CC TO Mr.S.VISVALINGAM, ADVOCATE IN SR No. 81428
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 81484

MYR

TE/SV/SAR-2 : 23/11/2018 : 2P/4C