

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.28630 of 2019

V.Thillai Natarajan

..Petitioner

.Vs.

The District Collector
Rural Development Wing
Collectorate
Thiruvarur District.

.. Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to draw and disburse to the petitioner the provisional pension and other retirement benefits namely, Encashment of surrender leave for 240 days, Encashment of Unearned Leave for private affairs for a period of three months and Special Provident Fund, in the light of the representation made by him dated 14.09.2018 and 05.10.2018 within the limited time frame.

For Petitioner :Mr.K.Venkatramani
Senior Counsel for Mr.M.Muthappan

For Respondent: Mr.R.S.Selvam
Government Advocate

O R D E R

Writ Petition is filed for issuance of a Writ of Mandamus directing the respondents to draw and disburse to the petitioner the provisional pension and other retirement benefits namely, Encashment of surrender leave for 240 days, Encashment of Unearned Leave for private affairs for a period of three months and Special Provident Fund, in the light of the representation made by him dated 14.09.2018 and 05.10.2018 within the limited time frame.

2. Heard the learned Senior Counsel appearing for the petitioner as well as the learned Government Advocate appearing for the respondent. By consent, the writ petition is taken up for final disposal.

3. The case of the petitioner is that he entered the service as a directly recruited Junior Assistant in the Panchayat Department. On bifurcation of Thanjavur Taluk, the petitioner opted to serve in Nagapattinam District in the year 1981. Subsequently, on bifurcation of Nagapattinam District into Thiruvarur & Nagapattinam District, the petitioner opted to serve in Thiruvarur District. The petitioner has served as Block Development Officer in Village Panchayat, Valangaiman Block from 04.10.2002 to 02.02.2016. The petitioner was suspended from service on 24.06.2016 for an allegation of malpractice and misappropriation of scheme funds in Valangaiman Taluk. The petitioner was about to retire on 31.08.2018. Following the suspension order, the petitioner was not permitted to retire from service on 31.08.2018 by invoking Rule 56(1)(c) of the Fundamental Rules. Till date, disciplinary proceedings is pending. Therefore, the petitioner has made representations to the respondent on 14.09.2018 and 05.10.2018 seeking sanction of his contribution towards General Provident Fund, Special Provident Fund, Surrender Leave as well as disbursement of amount of earned leave on private affairs for a period of three months. However, the petitioner's representations were not considered by the respondent till date. Hence this writ petition.

4. Learned Senior Counsel appearing for the petitioner submitted that it would suffice, if this Court issues direction to the respondent to consider the petitioner's representations and pass appropriate orders within the reasonable time.

5. Considering the limited request made by the learned counsel appearing for the petitioner, this Court hereby directs the respondent to consider the petitioner's representations dated 14.09.2018 and 05.10.2018 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. The writ petition is disposed of on the above terms. No costs.

kj

Sd/-
Assistant Registrar (CJ Conf.)

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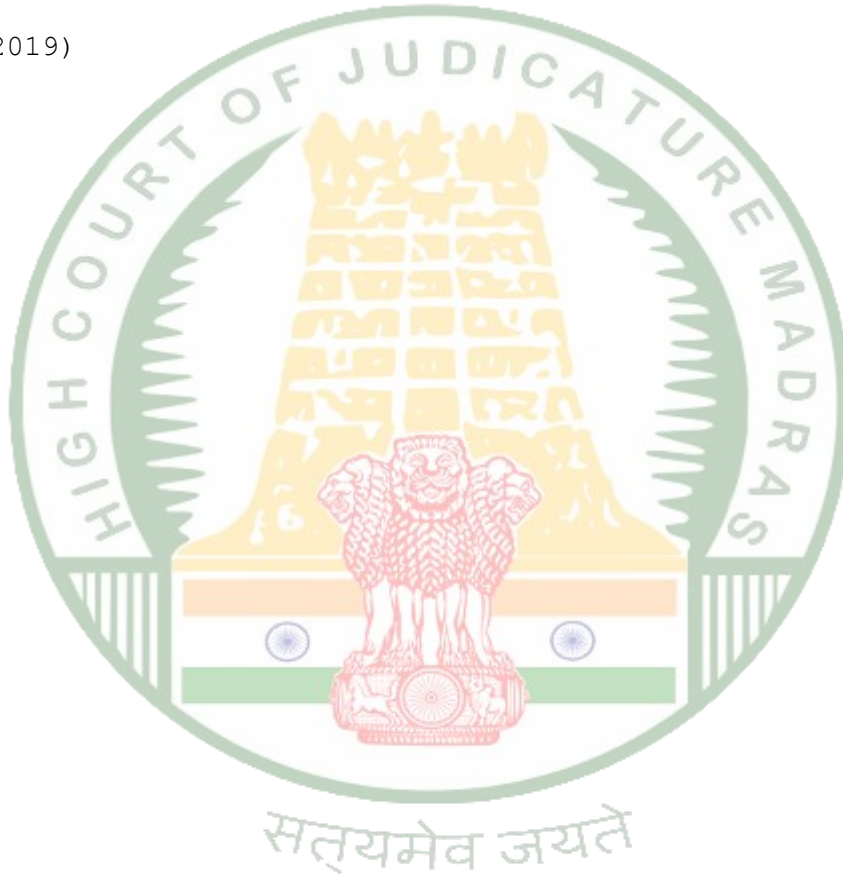
Sub Assistant Registrar

To
The District Collector
Rural Development Wing
Collectorate, Thiruvavarur District.

+1cc to Mr.M.Muthappan, Advocate, SR.No.83784
+1cc to the Govt.Pleader, Vide Sr.No.83653

W.P.No.28630 of 2019

Kak(11/11/2019)



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