

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No. 34470 of 2019

C.Rajendran

...Petitioner

Vs.

1.The District Collector,
Salem District, Salem.

2.The Revenue Divisional Officer,
Salem.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Mandamus, directing the 2nd respondent to disburse the Government contribution towards Special G.P.F., earned leave and unearned leave encashments and gratuity accrued to the petitioner while he was in service with eligible interest within the time frame.

For Petitioner : Mr.A.Thiyagarajan

For Respondents : Mr.S.Sureshkumar
Government Advocate.

O R D E R

This writ petition has been filed seeking for a Writ of Mandamus directing the second respondent to disburse the contribution amount towards the Special G.P.F. and also claiming for earned leave and unearned leave encashments and gratuity.

2. It is seen from the records that the petitioner was working as a Village Administrative Officer at Salem Taluk. The petitioner was arrested in a criminal case that was registered against him in the year 2002. The petitioner was suspended from service and departmental proceedings were initiated. The petitioner was convicted and sentenced in the criminal case and as against the same, the petitioner has filed CrI.A.No.215 of 2015 before this Court and this Court has granted suspension of substantive sentence against the petitioner. This Criminal appeal is pending as on date.

3. The petitioner has made a representation to the second respondent to disburse Special G.P.F., earned leave, unearned leave encashments and also gratuity. According to the petitioner, these benefits cannot be withheld even in case of a terminated employee. Since no orders were passed on the representation, the present writ petition has been filed before this Court.

4. Mr.A.Thiyagarajan, learned counsel appearing on behalf of the petitioner and Mr.S.Sureshkumar, learned Government Advocate appearing on behalf of the respondents.

5. Taking into consideration the facts and circumstances of the case and the limited relief that has been sought for in this writ petition, there shall be a direction to the second respondent to consider the representation made by the petitioner on 11.11.2019 and pass appropriate orders on its own merits and strictly in accordance with law within a period of six (6) weeks from the date of receipt of a copy of this order. The petitioner is directed to make a fresh representation to the second respondent along with a copy of the representation, dated 11.11.2019 and also a copy of this order.

6. This writ petition is disposed off with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To:-

1.The District Collector,
Salem District, Salem.

2.The Revenue Divisional Officer,
Salem.

+1cc to the Government Pleader sr.103643
+1cc to Mr.A.Thiyagarajan, Advocate Sr.103223

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srg 07/02/2020