



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:25.04.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P(MD) No.10090 of 2019

S.Jothindra Geeth Prakash

... Petitioner

Vs.

1.The Secretary to Government,
Revenue Department,
Secretariat,
Chennai - 600 009.

2.The Commissioner of Revenue Administration,
Ezhilagam,
Chepauk,
Chennai - 600 005.

3.The District Collector,
Kanyakumari District @ Nagercoil.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent i.e., the Secretary to Government, Revenue Department, Chennai to sanction the General Provident Fund, Special Provident Fund and Encashment of Leave Salary to the petitioner within a specified time frame that may be fixed by this Court.

For Petitioner	:	Mr.S.Visvalingam
For Respondents	:	Mrs.J.Padmavathi Devi Special Government Pleader

O R D E R

This writ petition has been filed to direct the first respondent to sanction General Provident Fund, Special Provident Fund and Encashment of Leave Salary to the petitioner.

2.Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents. By consent, the writ petition itself is taken up for final disposal at the stage of admission.

3.According to the petitioner, seeking disbursement of General Provident Fund, Special Provident Fund and Encashment of Leave Salary etc., he submitted a representation dated 25.02.2019 to the respondents, which is kept pending without any



consideration. Hence, praying for passing necessary orders, the petitioner is before this Court.

4.The learned Counsel for the petitioner submitted that the issue involved in this writ petition is squarely covered by the decision of this Court in WA No.207, dated 26.02.2016, wherein this Court has held that the departmental proceedings cannot be a bar for sanction of leave salary and the said judgment was also confirmed by the Hon'ble Apex Court in SLP(C)no.1622 of 2016, on 06.07.2017.

5.The relevant portions of the judgment in WA No.207 dated 26.02.2016, read thus:

"4. The learned Single Judge, considering all aspects of the matter, held that the petitioner was having earned leave and unearned leave on private affairs before initiation of the case and as such, he is entitled to encashment of earned leave and unearned leave on private affairs. The claim of gratuity was given up by the employee / writ petitioner on the ground that in the event of conviction and dismissal of service, the writ petitioner may not be entitled to get gratuity. The special provident fund was also not granted as the writ petitioner failed to establish any contribution made by him. While disposing of the writ petition, a direction was made to the appellants herein to disburse encashment of earned leave and encashment of unearned leave on private affairs. In respect of special provident fund, it was held that if any contribution was made by the writ petitioner, the same can be paid to the petitioner.

5. We do not find any error, illegality or infirmity in the order sought to be impugned in this writ appeal preferred by the Tamil Nadu Generation and Electricity Distribution Corporation Ltd., warranting interference. Thus, the writ appeal stands dismissed. No costs. Consequently connected miscellaneous petition stands closed."

6.The learned Special Government Pleader appearing for the respondents has no serious objection to the above submissions.

7.In view of the above cited judgment and also considering the submissions made by the learned Counsel on either side, this Court directs the first respondent to disburse the General Provident Fund, Special Provident Fund and Leave Salary to the petitioner, within a period of four weeks from the date of receipt of a copy of this order.



8. This writ petition is disposed of, on the above terms. No costs.

Sd/-

Assistant Registrar (Records)

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// True Copy //

Sub Assistant Registrar (CS)

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To

1. The Secretary to Government,
Revenue Department,
Secretariat, Chennai - 600 009.
2. The Commissioner of Revenue Administration,
Ezhilagam, Chepauk,
Chennai - 600 005.
3. The District Collector,
Kanyakumari District @ Nagercoil.

+1CC TO MR.S.VISVALINGAM, Advocate Sr. No.62418

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 62908

W.P(MD) No.10090 of 2019

MT (CO)

TR (23.05.2019) 3P 6C