

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 15.03.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P(MD)No.6107 of 2019**

M.Marimuthu

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu Housing Board,
493, Anna Salai,
Nandanam,
Chennai - 600 035.

2.The Executive Engineer and Administrative Officer,
Trichy Housing Unit,
Tamil Nadu Housing Board,
Trichy - 20.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the first respondent ie., the Managing Director, Tamil Nadu Housing Board, Chennai to take immediate action to disburse the General Provident Fund Amount, Special Provident Fund and Encashment of Leave Salary and Special Provident Fund of the petitioner within a specified time fixed by this Court.

For Petitioner : Mr.AL.Vijeydevraj

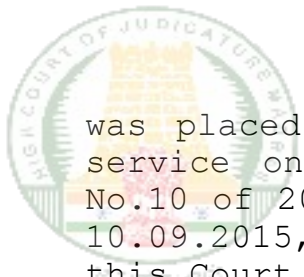
For Respondents : Mr.R.Ravishankar

ORDER

This writ petition has been filed seeking issuance of a writ of Mandamus, to direct the first respondent to disburse the General Provident Fund Amount, Special Provident Fund and Encashment of Leave Salary and Special Provident Fund of the petitioner within a specified time fixed by this Court.

2.Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents. By consent, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.The case of the petitioner is that he was working as Junior Assistant and he was to be superannuated on 31.08.2006. However, he



was placed under suspension and ultimately, he was dismissed from service on account of his involvement in criminal case in Crime No.10 of 2004 and the said case ended in conviction by order, dated 10.09.2015, against which, the petitioner preferred an appeal before this Court and the same is pending.

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4.The grievance of the petitioner is that even though he was dismissed from service and the issue is pending before this Court, he is entitled to get General Provident Fund Amount, Special Provident Fund and Encashment of Leave Salary and Special Provident Fund. In this regard, the petitioner sent a representation to the respondents on 09.10.2018. Since the same has not been considered so far, the petitioner has filed the present Writ Petition.

5.The learned counsel appearing for the petitioner submitted that in similar circumstances, this Court, passed orders in ***W.P (MD) No.13376 of 2018 (A.Karunanithi Vs. the District Collector, Tiruchirappalli District, Tiruchirappalli)*** on 22.06.2018, directing the respondents therein to consider the request of the petitioner within a period of four weeks. It would be useful to refer the operative portion of the order, which reads as follows:

"9.Since the issue raised in this Writ Petition has been decided in a number of cases and in the case stated supra, I had an occasion to consider a similar issue and pass an order as referred above. In view of the same, this Court is of the concerned view that, the petitioner is also entitled to get the said benefits of Provident Fund amount, Special Provident Fund amount and Encashment of Leave Salary. Therefore, in the circumstances of the case, this Court is inclined to pass the following orders:-

"That the respondents are directed to disburse the General Provident, Fund, Special Provident Fund and Encashment of Leave Salary, payable to the petitioner, by calculating the same within a period of four weeks from the date of receipt of a copy of this order."

Thus, the learned counsel prayed on a similar order in this Writ Petition as well, for which, the learned counsel appearing for the respondents has no serious objection.

6.Considering the facts and circumstances of the case and having regard to the submissions made by the parties and also following the aforesaid order, this Writ Petition is disposed of with a direction to the respondents to consider the claim of the petitioner based on his representation, dated 09.10.2018 and pass appropriate orders, on the same line as observed in the order passed



in W.P(MD)No.13376 of 2018, dated 22.06.2018 within a period of four weeks from the date of receipt of a copy of this order. No costs.

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// True Copy //

Sd/-

Assistant Registrar (CRL SIDE)

Sub Assistant Registrar(CS)

ps

To

1.The Managing Director,
Tamil Nadu Housing Board,
493, Anna Salai,
Nandanam,
Chennai - 600 035.

2.The Executive Engineer and Administrative Officer,
Trichy Housing Unit,
Tamil Nadu Housing Board,
Trichy - 20.

1CC TO MR. A.C. VIJADEVARAJ, ADVOCATE SR 54271

DS

15/04/2019

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