



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 16.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

W.P (MD) No.16034 of 2019

WEB COPY

V. Muthmurugan

... Petitioner

Vs.

1. The Joint Registrar of Co-operative Societies,
Sivagangai Region,
Sivagangai, Sivagangai District.

2. The Deputy Registrar of Co-operative Societies,
Karaikudi Circle,
Karaikudi - 630 002,
Sivagangai District.

... 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 Joint Registrar of Co-operative Societies, Sivagangai Region, Sivagangai, Sivagangai District to take immediate action to disburse the Encashment of Leave Salary and Special Provident Fund of the petitioner's contribution within a specified time frame that may be stipulated by this Court.

For Petitioner : Mr.S. Visvalingam

For Respondents : Mr. M. Pandiarajan

Additional Government Pleader

ORDER

This writ petition has been filed for issuing a direction to the first respondent i.e., the Joint Registrar of Co-operative Societies, Sivagangai Region, Sivagangai, Sivagangai District to take immediate action to disburse the Encashment of Leave Salary and Special Provident Fund of the petitioner's contribution, within a time frame to be fixed by this Court.

2. According to the petitioner, he was superannuated on 31.07.2017, but, he was not allowed to retire from service and placed under suspension, based on the criminal case registered against him in Crime No. 3 of 2014, on the file of Commercial Crime Investigation Wing, Sivagangai, as per the proceeding No.R.C.3686 / 2017 / EM(1) dated 26.07.2017, passed by the first respondent, dated 26.07.2017. Therefore, the petitioner has made a representation, dated 06.06.2019 to Encashment of Leave Salary and Special Provident Fund, but, so far, no order has been passed in the said representation. Hence, the petitioner has filed the present Writ Petition before this Court.



3. The learned counsel appearing for the petitioner relying upon the order passed by this Court in WA(MD).No.207 of 2016, dated 26.02.2016, wherein, this Court has confirmed the order of the learned Single judge by directing the respondent to disburse the encashment of Earned Leave and encashment of Unearned Leave on Private Affairs and hence, the petitioner is entitled to the said amount. He has also relied on Judgment of the learned Single Judge of this Court passed in WP(MD).No.139 of 2016 dated 22.08.2017, wherein this Court has held that respondent is directed to disburse the personal contribution to the writ petitioner, including Provident Fund, Special Provident Fund, Encashment of Earned Leave and Encashment of Unearned Leave as early as possible, and yet another Division Bench of this Court in WA(MD).No.2767 of 2018, dated 17.12.2018, this Court has confirmed the Judgment of the learned Single Judge of this Court by directing the appellant by having entitled to the encashment of Earned Leave and Unearned Leave on Private Affairs. Therefore, in the present case on hand, the petitioner has sought the relief for payment of Encashment of Leave Salary and Special Provident Fund, if any contribution made by the petitioner.

4. The learned Additional Government Pleader appearing for the respondents would submit that the representation of the petitioner will be considered by the first respondent in the light of the above decisions cited Supra as expeditiously as possible.

5. Considering the submissions made by the learned counsel on either side and also following the aforesaid Judgments as cited Supra, this Court is inclined to direct the first respondent to pay the Special Provident Fund and Encashment of Earned Leave, to the petitioner, as early as possible, in any event, not later than eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Joint Registrar of Co-operative Societies,
Sivagangai Region,
Sivagangai, Sivagangai District.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Deputy Registrar of Co-operative Societies,
Karaikudi Circle,
Karaikudi - 630 002,
Sivagangai District.

+1 CC to MR.S.VISVALINGAM, Advocate (SR-81912[F] dated 16/08/2019)
+1 CC to SPL GP (SR-82200[F] dated 19/08/2019)

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MK (23.09.2019) 3P 5C