



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
W.P. (MD)No.19540 of 2019

WEB COPY

M.Ganesan

... Petitioner

Vs.

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

2.The Deputy Registrar of Public Distribution System
Sivagangai
Sivagangai District

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent ie. 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 fixed by this Court.

For Petitioner : Mr.S.Sivalingam
For Respondents : Mr.V.R.Shanmuganathan
Special Government Pleader

ORDER

This writ petition is filed seeking for a mandamus, directing the first respondent ie. 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.

2. Mr.V.R.Shanmuganathan, learned Special Government Pleader takes notice for the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the stage of



admission itself.

3. The petitioner was working as a Junior Inspector in the second respondent office and his date of superannuation was on 31.08.2017. But he was not allowed to retire and placed under suspension as per proceedings No.R.C.4887/2017/EM(1), dated 29.08.2017, because of criminal cases in C.C.No.2 of 2005 and C.C.Nos. 128 and 133 of 2004 registered against him are pending before the Chief Judicial Magistrate Court, Sivagangai. Admittedly, the petitioner agreed that he is not entitled to regular pension and commutation of pension, since the above criminal cases are pending against him. But, he is entitled to encashment of leave salary and Special Provident Fund. Therefore, the petitioner has made a representation to the respondents on 26.06.2019, seeking encashment of leave salary and Special Provident Fund of the petitioner's contribution, but they have not passed any orders on the representation so far. Hence, the petitioner has come up with the present writ petition. In support of the claim of the petitioner, the learned counsel appearing for the petitioner relied on the order of this Court, dated 23.03.2018, made in W.PNo.17330 of 2018.

4. Considering the facts and circumstances of the case and also considering the submission of the learned counsel for the petitioner, it is suffice to direct the respondents to consider the representation of the petitioner, dated 26.06.2019 and pass orders on merits and in accordance with law, as expeditiously as possible.

5. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar (CS)

msa

To

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



2.The Deputy Registrar of Public Distribution System
Sivagangai
Sivagangai District

+1 CC to M/s.S.VISVALINGAM, Advocate (SR-88615[F] dated
23/09/2019)

+1 CC to M/s.GP (SR-89371[F] dated 25/09/2019)

W.P. (MD) No.19540 of 2019
23.09.2019

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