

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2020

CORAM

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

WP.No.908 of 2020

M.K.Dasarathan

.. Petitioner

- Vs -

1. The Principal Secretary to Government-cum
Agricultural Production Commissioner,
Government of Tamil Nadu,
Fort St. George, Chennai.
 2. The Chief Engineer,
Agricultural Engineering Department,
No.482, Anna Salai,
Nandanam, Chennai-35.
- .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondents to sanction Leave Encashment and Special Provident Fund dues payable to the petitioner along with interest in the light of the law laid down by this Hon'ble Court in WA(MD).No.105/2019 dated 31.07.2019.

For Petitioner : Mr.V.Vijayashankar

For Respondents : Mr.P.S.Sivashanmugasundaram
Special Government Pleader

सतममेन जयते
O R D E R

This writ petition has been filed for issuance of writ of Mandamus directing the respondents to sanction the Leave Encashment and Special Provident Fund dues payable to the petitioner with interest.

2.The case of the petitioner is that the petitioner was working as Assistant Executive Engineer in the Agricultural Engineering Department, later during the year 2016, he got promoted to the post of Executive Engineer and got further promotion as Superintendent Engineer during the year 2018. The petitioner was kept under suspension by an order dated 30.05.2018 and by an order dated 31.05.2018 the petitioner was not allowed to retire from service.

3.The grievance of the petitioner is that the terminal benefits including pension was not released and that the petitioner is entitled for the settlement of the Leave Encashment and Special Provident Fund. The petitioner made a representation to the respondents on 05.09.2019 seeking for the disbursement of the Earned Leave Encashment and Special Provident Fund. Since the same did not any evoke response, the present petition has been filed before this Court.

4. Heard Mr.V.Vijayashankar, learned counsel appearing on behalf of the petitioner and Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader appearing on behalf of the respondents.

5.Taking into consideration the facts and circumstances of the case and also of the fact that the petitioner is entitled for settlement of his Leave Encashment and Special Provident Fund in accordance with the judgment of the Division Bench of this Court in the case of Secretary to Government, Revenue Department, Secretariat, Chennai and others vs. K.Palaniyandi reported in 2019 (5) CTC 19, there shall be a direction to the 2nd respondent to pass appropriate order based on the representation made by the petitioner on 05.09.2019 and settle the entire Leave Encashment and Special Provident Fund to the petitioner in line with the judgment in the case of Secretary to Government, Revenue Department, Secretariat, Chennai and others vs. K.Palaniyandi reported in 2019 (5) CTC 19, within a period of six(6) weeks from the date of receipt of 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 05.09.2019 and a copy of this order. A copy of the representation shall be marked to the first respondent also.

6.This writ petition is disposed of with the above direction. No Costs.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

kmi

To

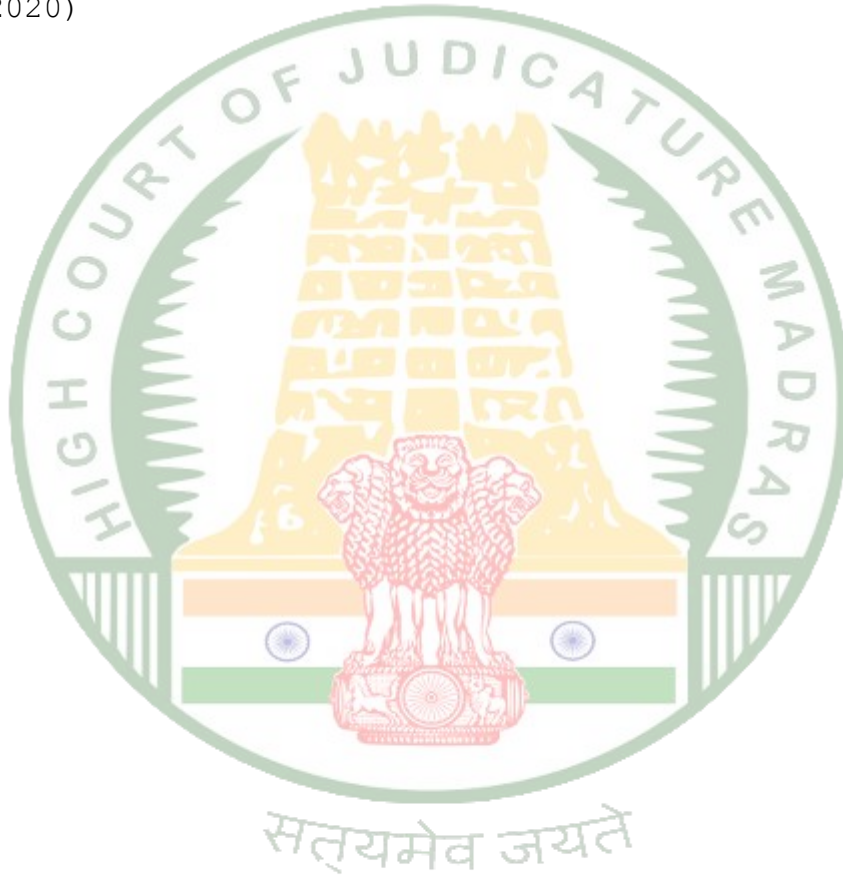
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+1cc to Mr.V.Vijayashankar, Advocate SR.3762
+1cc to the Government Pleader SR.3940

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SSI (CO)
CB(24/02/2020)



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