

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.01.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.798 of 2020

P.Arasakumar

Petitioner

vs.

1. The Principal Secretary to the Government cum  
Agricultural Production Commissioner  
Government of Tamilnadu,  
Fort St. George, Chennai - 600 009.

2. The Chief Engineer,  
Agricultural Engineering Department,  
No.482, Anna Salai, Nandanam,  
Chennai - 600 035.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of 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 Court in W.A.(MD)No.105 of 2019 dated 31.07.2019.

For Petitioner : Mr.V.Vijayashankar  
For Respondents: Mr.S.N.Parthasarathy  
Government Advocate

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. The petitioner was kept under suspension by an order dated 26.02.2018 and by an order dated 28.02.2018 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.S.N.Parthasarathi, learned Government Advocate 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 2<sup>nd</sup> 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 weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the 2<sup>nd</sup> respondent along with a copy of the representation dated 05.09.2019 and a copy of this order. A copy of this representation shall be marked to the 1<sup>st</sup> respondent also.

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

s/d-  
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

ssr

To

1. The Principal Secretary to the Government cum  
Agricultural Production Commissioner  
Government of Tamilnadu,  
Fort St. George, Chennai - 600 009.

2. The Chief Engineer,  
Agricultural Engineering Department,  
No.482, Anna Salai, Nandanam,  
Chennai - 600 035.

+1 CC to Mr.V.Vijayashankar, Advocate sr 3353.  
+1 CC to Govt. Pleader sr 3937.

W.P No.798 of 2020

CA(CO)  
SP(26/02/2020)