

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 24.01.2020
CORAM
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
W.P No.1560 of 2020

B.Charles Prabhakaran

Petitioner

vs.

1. The Secretary to Government,
Welfare of Differently Abled Persons Department,
Secretariat, Chennai - 600 009.
2. The Commissioner,
Welfare of Differently Abled Persons Department,
Chepauk, Chennai - 600 005.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondents to pass appropriate orders on the representation of the petitioner dated 14.09.2019 for sanctioning General Provident Fund, Special Provident Fund and Encashment of Earned Leave/Private Affairs at the credit of the petitioner as on 31.08.2019 and to disburse the same, within a reasonable period as may be fixed by this Court.

For Petitioner : Mr.T.Ranganathan

For Respondents: Mr.K.Parthasarathi
Government Advocate

O R D E R

This writ petition has been filed for issuance of writ of mandamus directing the 1st respondent to pass orders on the representation made by the petitioner on 14.09.2019 claiming for sanctioning certain benefits.

2.The case of the petitioner is that he was working as an Assistant Director in the Department of Welfare of Differently Abled Persons and he was placed under suspension on the eve of his retirement, departmental proceedings came to be initiated and an order was passed not allowing the petitioner to retire from his service. A charge memo was issued on 29.08.2019 under Rule 17(b) of the Tamil Nadu Civil Service (Discipline & Appeal) Rules. The petitioner submitted his explanation and enquiry was conducted and a representation was also filed and the petitioner has also given his further explanation on 14.10.2019. According

to the petitioner, 1st respondent is yet to pass final orders in the departmental proceedings.

3. In the meantime, the petitioner had submitted a representation on 14.09.2019 to the 2nd respondent for settlement of General Provident Fund, Special Provident Fund and Encashment of Earned Leave/Private affairs which is lying to his credit. Since the said representation was not considered, the present writ petition has been filed before this Court, seeking for appropriate directions.

4. The learned counsel for the petitioner submitted that irrespective of the result of the departmental proceedings, the petitioner is entitled to receive his General Provident Fund, Special Provident Fund and Encashment of Earned Leave/Private affairs. The learned counsel in order to substantiate his submission, relied upon the Division Bench judgment 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 and submitted that these amounts cannot be withheld. The learned counsel further submitted that the judgment passed by this Court was also further confirmed by the Hon'ble Apex Court in Civil Appeal No.11710 of 2018, dated 30.11.2018.

5. Heard Mr. T. Ranganathan, learned counsel appearing on behalf of the petitioner and Mr. K. Parthasarathi, learned Government Advocate appearing on behalf of the respondents.

6. Taking into consideration the facts and circumstances of the case and also the settled law on this issue, there shall be a direction to the 1st respondent to pass appropriate orders on the representation made by the petitioner on 14.09.2019 and sanction the payment of General Provident Fund, Special Provident Fund and Encashment of Earned Leave/Private affairs, within a period of eight weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the 1st respondent along with a copy of the representation dated 14.09.2019 and a copy of this order.

7. This writ petition is disposed of with the above directions. No Costs.

Sd/-
Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Secretary to Government,
Welfare of Differently Abled Persons Department,
Secretariat, Chennai - 600 009.
2. The Commissioner,
Welfare of Differently Abled Persons Department,
Chepauk, Chennai - 600 005.

+1cc to Mr.T.Ranganathan, Advocate sr.5029

+1cc to Government Pleader SR.NO. 5713

W.P No.1560 of 2020

rsv(co)
nr 27/02/2020



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