

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2020

CORAM

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

WP.No.3926 of 2020

P.Kumarakrishnan

.. Petitioner

- Vs -

1. The State of Tamil Nadu  
Rep. by its Principal Secretary to Government,  
School Education Department,  
Secretariat, Fort St. George,  
Chennai-600 009.
2. The Director of School Education,  
DPI Campus, College Road,  
Chennai-600 006.
3. The Chief Educational Officer,  
Villupuram District,  
Villupuram.
4. The District Educational Officer,  
Villupuram Education District,  
Villupuram.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondents to disburse the encashment of leave salary, SPF and half pay leave salary, based on the representation of the petitioner dated 13.08.2019 in the light of the orders passed in WP.(MD).No.7761 of 2018 dated 10.04.2018, within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mrs.V.Annalakshmi  
Government Advocate

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O R D E R

This writ petition has been filed for the issue of writ of Mandamus directing the respondents to disburse the Special Provident Fund, Encashment of Earned Leave salary and half pay leave salary of the petitioner by considering his representation dated 13.08.2019.

2. The case of the petitioner is that he was working as a Higher Secondary School Headmaster. A criminal case came to be registered against the petitioner and consequently, a charge memo came to be issued against the petitioner and the said charge memo has been challenged by the petitioner before this Court in WP.No.13724 of 2019 and the same is pending. In the meantime, the petitioner had made a representation to the fourth respondent to disburse the encashment of leave salary, Special Provident Fund and half pay leave salary. Since the representation was not considered, the present writ petition has been filed before this Court.

3. Heard Mr.G.Sankaran, learned counsel appearing on behalf of the petitioner and Mrs.Annalakshmi, learned Government Advocate appearing on behalf of the respondents.

4. The issue raised by the petitioner is directly covered by the judgment of this Court in the case of State of Tamil Nadu Vs. V.Mahalingam reported in 2019 WLR 825. The petitioner, who has been kept under suspension pending disciplinary proceedings/criminal case, will be entitled for the benefit of Provident Fund, Encashment of Earned Leave etc., since it is considered to be the property of the employee. The petitioner has therefore, made a representation to the fourth respondent on 13.08.2019 claiming for these benefits.

5. This writ petition is disposed of with a direction to the fourth respondent to consider the representation made by the petitioner on 13.08.2019 and pass appropriate orders in accordance with law and in line with the above judgment, within a period of four (4) weeks from the date of receipt of a copy of this order. The petitioner is directed to make a fresh representation to the first respondent along with a copy of the representation dated 13.08.2019 and a copy of this order. No costs.

Sd/-

Assistant Registrar(CS-VIII)

// True Copy//

Sub Assistant Registrar

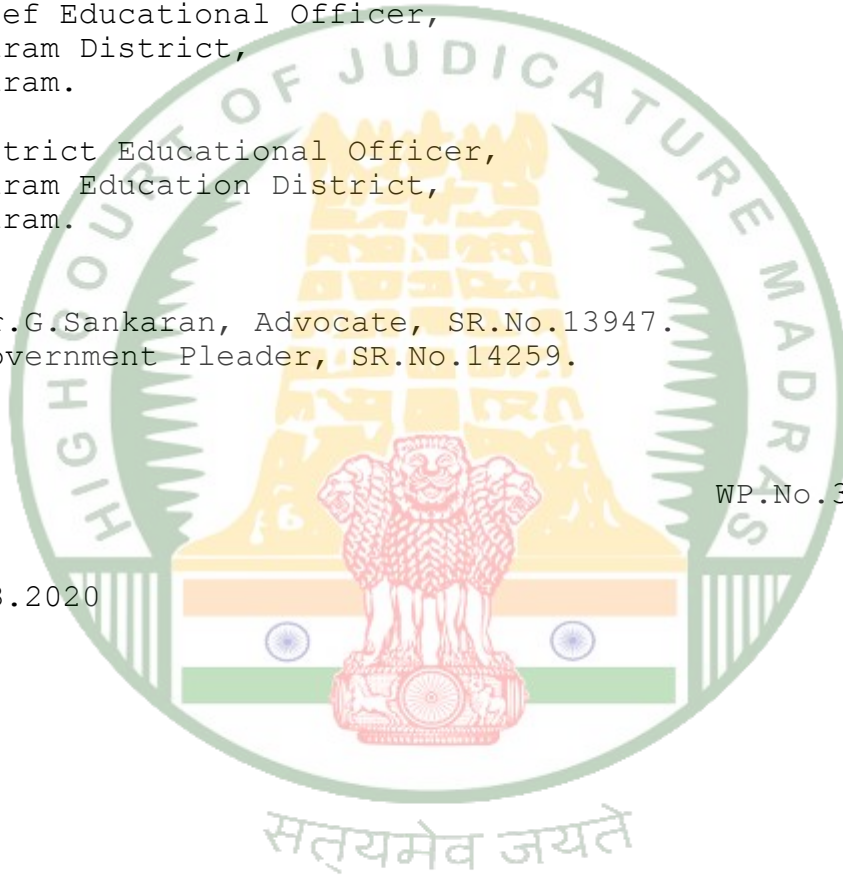
To

1. The Principal Secretary to Government,  
State of Tamil Nadu,  
School Education Department,  
Secretariat, Fort St. George,  
Chennai-600 009.
2. The Director of School Education,  
DPI Campus, College Road,  
Chennai-600 006.
3. The Chief Educational Officer,  
Villupuram District,  
Villupuram.
4. The District Educational Officer,  
Villupuram Education District,  
Villupuram.

+1cc to Mr.G.Sankaran, Advocate, SR.No.13947.  
+1cc to Government Pleader, SR.No.14259.

KK(CO)  
KMI(PA)  
CSR: 17.03.2020

WP.No.3926 of 2020



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