

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.No.4641 of 2020

P.Srinivasan

... Petitioner

-Vs-

1. The District Collector,
Ariyalur District.
Ariyalur.

2. The Revenue Divisional Officer,
Udayarpalayam

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 1 and 2 to pass orders on the representation dated 03.10.2019 seeking settlement of the accrued dues of encashment of Earned Leave, unearned Leave Encashment, Special GPF and Gratuity on merits and as per law within a time to be stipulated by this court.

For Petitioner : Ms N.R.Jasmine Padma

For Respondents : Mr.S.N.Parthasarathi
Government Advocate
for Respondents

ORDER

This Writ Petition has been filed for the issue of writ of Mandamus, directing the respondents 1 and 2 to consider the representation made by the petitioner on 03.10.2019 and settle the accrued dues towards the terminal benefits.

2. The case of the petitioner is that he was working as a Village Administrative Officer and a Criminal case came to be registered against him under the Prevention of Corruption Act. The Criminal case ultimately ended in a conviction by Judgment

dated 18.09.2017. The petitioner has filed an appeal before this Court in C.A.No.647 of 2017 and the same is pending. In the meantime, the petitioner had reached the age of superannuation and he was not allowed to retire from service. Consequent upon the conviction of the petitioner, he was also removed from service.

3. The petitioner by his representation dated 03.10.2019 had sought for the settlement of the terminal benefits like encashment of Earned Leave, unearned Leave Encashment, Special GPF and Gratuity. Since the same has not been considered, the present writ petition has been filed before this Court.

4. The learned counsel for the petitioner submitted that whatever may be the result of the criminal proceedings or the departmental proceedings, the petitioner cannot be deprived of the terminal benefits. In order to substantiate the said submission, the learned counsel relied upon the order of this Court in [Secretary to Government, Revenue Department, Secretariat Vs. K.Palaniyandi] in 2019 5 CTC 19.

5. The learned Government Advocate appearing on behalf of the respondents submitted that the representation made by the petitioner on 03.10.2019, will be considered strictly in accordance with law and orders will be passed, within the time stipulated by this Court.

6. Taking into consideration the facts and circumstances of the case and the limited relief that has been sought for in this writ petition, there shall be a direction to the respondents to consider the representation made by the petitioner on 03.10.2019 and pass appropriate orders, strictly in accordance with law and in line with the Judgment of this Court, which has been referred supra, 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 respondents along with a copy of earlier representation dated 03.10.2019 and also a copy of this order.

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

Sd/-
Assistant Registrar (CS-)

// True Copy//

Sub Assistant Registrar

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To

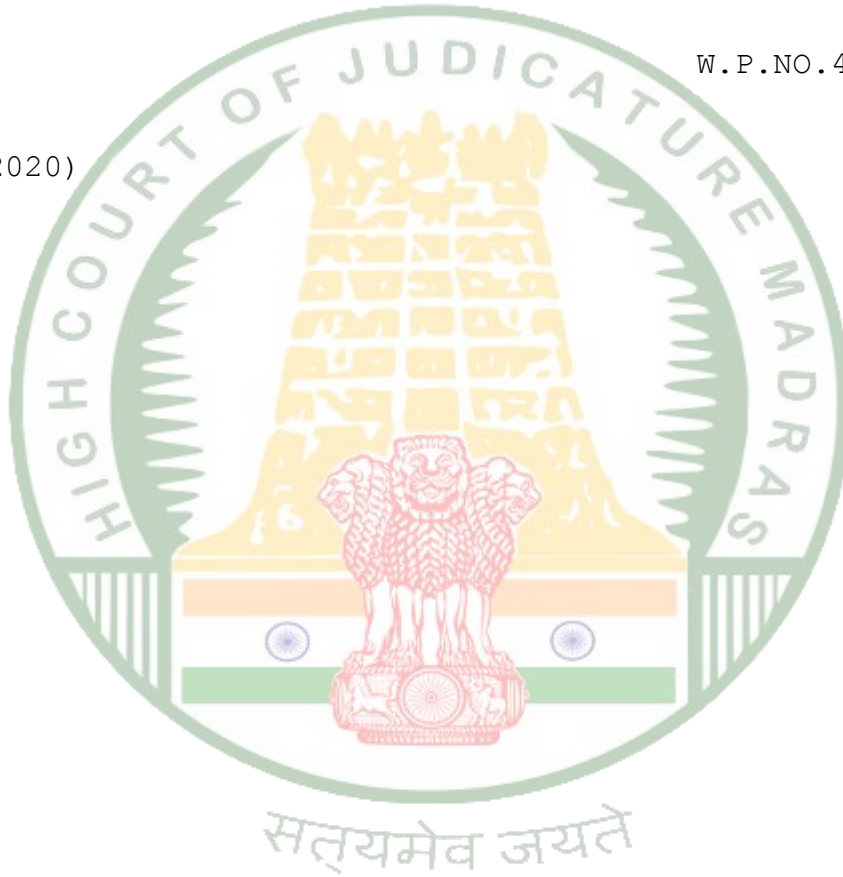
1. The District Collector,
Ariyalur District.
Ariyalur.

2. The Revenue Divisional Officer,
Udayarpalayam

+lcc to the Government Pleader sr 16725
+lcc to Mr.L.Chandrakumar, Advocate sr 16575

W.P.NO.4641 of 2020

SSD(CO)
GS(20/05/2020)



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