

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.4689 of 2020

M. Pachaiyappan

... Petitioner

Vs.

1.The Government of Tamilnadu
represented by the Agricultural Production Commissioner
and Principal Secretary to the Government,
Agriculture Department,
Fort St. George, Chennai - 600 009.

2.The Chief Engineer (Agricultural Engineering),
Anna Salai, Nandanam, Chennai - 600 035.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of mandamus, directing the respondents to pay the General Provident Fund, Special Provident Fund and Encashment of Leave Salary payable to the petitioner within a time limit to be stipulated by this Court and further direct the respondents to pay interest to the petitioner at the rate of 12% per annum from 01.09.2016 till the actual date of payment of the said benefits.

For Petitioner : Mr. P. Rajendran

For Respondents : Mr. P.V. Selvakumar

Additional Government Pleader

O R D E R

This writ petition has been filed for issuance of writ of mandamus directing the respondents to pay the General Provident Fund, Special Provident Fund and Encashment of Leave Salary to the petitioner with interest.

2.The case of the petitioner is that he was working as a Assistant Executive Engineer and he was due for retirement on 30.11.2016. A suspension order came to be passed on 28.11.2016 and the petitioner was not permitted to retire from service. A charge memo was also issued to the petitioner.

3.The grievance of the petitioner is that he is only paid the provisional pension and he has not been paid the General Provident Fund, Special Provident Fund and Encashment of Leave Salary. According to the petitioner, even if the extreme case of removal from service is contemplated, the petitioner will be entitled for these three monetary benefits. The petitioner

is relying upon 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. The petitioner has made a representation, seeking for these monetary benefits. Since the same was not considered, the present writ petition has been filed before this Court.

4.Heard Mr. P. Rajendran, learned counsel appearing on behalf of the petitioner and Mr. P.V. Selvakumar, learned Additional Government Pleader, appearing on behalf of the respondents.

5.Taking into consideration the facts and circumstances of the case and the fact that the relief claimed by the petitioner is directly covered by the 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, there shall be a direction to the 1st respondent to consider the representation dated 16.09.2019 made by the petitioner and to settle him the dues towards General Provident Fund, Special Provident Fund and Encashment of Leave Salary by passing appropriate orders 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 1st respondent along with a copy of the earlier representation dated 16.09.2019 and a copy of this order.

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

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

AT

To

1.The Agricultural Production Commissioner
and Principal Secretary to the Government,
Agriculture Department,
Fort St. George, Chennai - 600 009.

2.The Chief Engineer (Agricultural Engineering),
Anna Salai, Nandanam, Chennai - 600 035.

+lcc to Mr.P.Rajendran, Advocate, SR.No.16680

+lcc to the Government Pleader, High Court, Madras, SR.No.17782

RSK(CO)

rli(22/05/2020)

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