

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.9620 of 2020

N.Nagarajan

...Petitioner

vs.

1. The Government of Tamilnadu,
represented by the 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

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the Respondents to pay the General Provident Fund, Special Provident Fund, Leave Salary (Earned and Unearned Leave) payable to the Petitioner within a time limit to be stipulated by this Court and further direct the Respondents to pay interest to him 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.Manoj Kumar

For Respondents : Mr.P.S.Sivashanmuga Sundaram,
Special Government Pleader

O R D E R

Petitioner has come up with the present Writ Petition seeking a direction to the Respondents to pay the General Provident Fund, Special Provident Fund, Leave Salary (Earned and Unearned Leave) payable to him and for a further direction to the Respondents to pay interest on the same at 12% per annum from 01.09.2016 till the actual date of payment of the said benefits.

2. It is the case of the Petitioner that, he had already attained superannuation and that, the terminal benefits have not been paid to him.

3. Learned Special Government Pleader appearing for the Respondents submitted that, the Petitioner had misappropriated amount to the tune of Rs.6 lakhs and that, a criminal case is pending against him before the Chief Judicial Magistrate, Tiruvannamalai. He further submitted that, till the criminal proceedings come to a final conclusion, terminal benefits cannot be paid to the Petitioner.

4. Heard the learned counsel for the parties and perused the material documents available on record.

5. It is seen that, the Petitioner, in respect of his grievance, made a representation to the Respondents on 13.09.2019, almost a year ago. Nothing prevented the Respondents from considering the Petitioner's representation and taking a decision either in favour of the Petitioner or against him. Had any adverse decision been taken on the said representation, the same would have been challenged by the Petitioner in the manner known to law.

6. Though the relief sought for by the Petitioner cannot be granted as such, without going into the merits of the case, this Court directs the 2nd Respondent herein to consider and dispose of the Petitioner's representation dated 13.09.2019 on merits and in accordance with law, after affording him an opportunity of personal hearing, within a period of four months from the date of receipt of a copy of this order.

This Writ Petition is disposed of with the above direction. No costs.

Sd/-

सत्यमेव जयते Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

(aeb/jas)

To:

1. The Secretary to Government,
The Government of Tamilnadu,
Agriculture Department,
Fort St.George, Chennai - 600 035.

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

+1cc to the Government Pleader, S.R.No.25642

W.P.No.9620 of 2020

AJS (CO)
KKV/24/08/2020



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