



WEB COPY

1

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2020

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD) No.97 of 2020

P.Selvaraj

....Petitioner

vs.

1.The Agricultural Production Commissioner
& Principal Secretary to the Government of Tamil Nadu
Agriculture Department Secretariat
Chennai 600 009

2.The Chief Engineer
Agricultural Engineering Department
487, Anna Salai, Nandanam
Chennai 600 035

3.The Principal Accountant General (A & E)
361, Anna Salai, Teynampet
Chennai 600 018

4.The Principal Accountant General (A&E)
361, Anna Salai, Teynampet
Chennai 600 018

5.The Treasury Officer
Railway Feeder Road
Srivilliputhur

... Respondents

Prayer: This Writ petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus, directing the respondents to disburse the General Provident Fund, Special Provident Fund and Encashment of Leave Salary based on the petitioner's representation dated 20.12.2019 and in the light of the Judgment passed by the Hon'ble Madurai Bench of Madras High Court in W.A.(MD).No.105 of 2019 against W.P(MD).No.7761 of 2018.

For Petitioner : Mr.R.Gunaalan

For R1, R2 & R5 : Mr.R.Sethuraman
Special Government Pleader

For R3 & R4 : Mr.P.Gunasekaran

**ORDER**

The writ petition has been filed for a direction to the respondents to disburse the General Provident Fund, Special Provident Fund and Encashment of Leave Salary based on the petitioner's representation dated 20.12.2019 in the light of the Judgment passed by this Court in W.A.(MD).No.105 of 2019 against W.P(MD).No.7761 of 2018.

2.Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the official respondents and the learned counsel appearing for the respondents 3 and 4. By consent, the writ petition is taken up for final disposal at the stage of admission itself.

3.The petitioner joined the service in the year 1982 as Assistant Engineer (Agricultural Engineering) at Tirumangalam, Madurai District and later he was promoted as Assistant Executive Engineer (Agricultural Engineering). He was working for the past 32 years in the office of the respondents. He attained the age of superannuation on 27.02.2014 and on the same day, he was suspended from service vide Agriculture (AA6) Department G.O(3D), No.35 under Sub Rule (e) of Rule 17 of the Tamil Nadu Civil Services (Discipline and Appeal) rules by the first respondent. The petitioner was not permitted to retire from service for the purpose of conducting departmental enquiry and as on date he has been receiving the subsistence allowance alone. The grievance of the petitioner is that he is entitled to receive the General Provident Fund, Special Provident Fund and Encashment of Leave Salary in the light of the Judgment of this Court in W.P.No.16098 of 2015, dated 08.06.2015 and W.P(MD).No.4975 of 2018, dated 08.03.2018 which was confirmed in the Writ appeal in W.A(MD). No.105 of 2019 by holding that the General Provident Fund, Special Provident Fund and Encashment of Leave Salary cannot be withheld by the concerned government authority even if the employee is dismissed from service. In view of the above, the petitioner made a representation dated 20.12.2019 to the respondents, which has not been considered till date. Hence, the petitioner has come up with the present Writ petition.

4.The learned counsel appearing for the respondents 3 and 4 would submit that if the petitioner makes an application for the General Provident Fund, the amount will be disbursed, within a period of six weeks.

5.Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the official respondents and the learned counsel appearing for the respondents 3 and 4.



6. This Court is of the view that the petitioner is standing in same footing as that of the petitioners in the above Writ petitions. Since the matter has already been settled by the Hon'ble Division Bench of this Court in W.A(MD).No.105 of 2019, the petitioner shall be entitled to claim the General Provident Fund, Special Provident Fund and Encashment of leave salary. Therefore, the second respondent is directed to disburse the encashment of leave salary as well as the Special Provident Fund within a period of four weeks from the date of receipt of a copy of this order. As regards the General Provident Fund, the petitioner is directed to submit an application to the second respondent and the second respondent shall forward the proposal to the third respondent. On receipt of such proposal, the third respondent is directed to disburse the General Provident Fund, within a period of six weeks from the date of receipt of the application of the petitioner.

7. With the above directions, this Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

msa

To

1. The Agricultural Production Commissioner
& Principal Secretary to the Government of Tamil Nadu
Agriculture Department Secretariat
Chennai 600 009

2. The Chief Engineer
Agricultural Engineering Department
487, Anna Salai, Nandanam
Chennai 600 035

3. The Principal Accountant General (A & E)
361, Anna Salai, Teynampet
Chennai 600 018

4. The Principal Accountant General (A & E)
361, Anna Salai, Teynampet
Chennai 600 018

<https://hcservices.clerks.gov.in/hcservices>



5.The Treasury Officer
Railway Feeder Road
Srivilliputhur

+1 CC to M/s.SPL GP (SR-430[F] dated 07/01/2020)

+1 CC to M/s.R.GUNALAN, Advocate (SR-898[F] dated 08/01/2020)

+1 CC to M/s.P.GUNASEKARAN, Advocate (SR-897[F] dated
08/01/2020)

W.P (MD) No.97 of 2020
06.01.2020

mr (CO)
TR(30.01.2020) 4P 9C