



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2020

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

W.P. (MD) No.5352 of 2020

P.Rajmohan

...Petitioner

Vs

1. The Chief Engineer,
Agricultural Engineering Department,
487, Anna Salai,
Nandhanam,
Chennai -35.

2. The Assistant Executive Engineer,
Agricultural Engineering Department,
Kodaikanal,
Dindigul District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to disburse the leave salary and special provident fund to the petitioner in the light of judgment made in W.A.No.105 of 2019 dated 31.07.2019 on the file of this Court, based on the representation dated 07.01.2020.

For Petitioner
For Respondents

: M/s.V.P.Rajan
: Mr.Karuppasamy Pandian
Government Advocate

O R D E R

This Writ Petition is filed to direct the respondents to consider the petitioner's representation dated 07.01.2020, for disbursement of the leave salary and special provident fund to the petitioner in the light of judgment made in W.A.No.105 of 2019 dated 31.07.2019.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. The case of the petitioner is that while he was working as Assistant Executive Engineer at Theni, he was placed under suspension alleging that the subsidy amount allotted to the farmers for purchase of new Motor pumps has been misappropriated by the petitioner colluded with other officials. The Criminal case initiated against the petitioner is still pending before the Chief Judicial Magistrate, Theni. The grievance of the petitioner is that citing the above said criminal case, the leave salary, special provident fund and provident fund amount has not been disbursed to the petitioner. The representation dated 07.01.2020 given by the



petitioner is kept pending without any progress. Hence, the petitioner has come up with this Writ Petition.

4. The learned counsel for the petitioner submitted that the issue involved in this Writ Petition is covered by the Judgment of the Division Bench of this Court in W.A.No.105 of 2019 dated 31.07.2019, wherein it has been clearly held 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. Hence, the learned counsel prays this Court for the same relief granted in the above judgment.

5. Considering the limited scope of the prayer in the Writ Petition and also taking into consideration of the findings arrived at by this Court in W.A.(MD) No.105 of 2019, there shall be a direction to the respondents to consider the petitioner's representation dated 07.01.2020, for disbursement of the leave salary and special provident fund to the petitioner, in the light of judgment made in W.A.No.105 of 2019 dated 31.07.2019, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vrn

To

1. The Chief Engineer,
Agricultural Engineering Department,
487, Anna Salai,
Nandhanam,
Chennai -35.

2. The Assistant Executive Engineer,
Agricultural Engineering Department,
Kodaikanal, Dindigul District.

+1 CC to M/s.SPL.GP (SR-11779[F] dated 16/03/2020)

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