



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2020

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

W.P.(MD) No.5356 of 2020

V.Kesavan

Petitioner

Vs

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

2. The Superintending Engineer,
Agricultural Engineering Department,
Virudhunagar.

3. The Executive Engineer,
Agricultural Engineering Department,
Sivagangai.

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the third respondent in his proceedings in Letter No.A/222/2016 dated 19.12.2019 and quash the same as illegal and consequentially to direct the respondents to disburse the leave salary, special provident fund and provident fund in the light of judgment made in W.A.No.105 of 2019 dated 31.07.2019, on the file of this Court.

For Petitioner : Mr.V.P.Rajan
For Respondents : Mr.M.Karuppasamy
Government Advocate

O R D E R

The grievance of the petitioner is that he was placed under suspension on the date of his retirement and now the petitioner has preferred this Writ Petition for disbursement of his leave salary, special provident fund and provident fund, which was rejected by the third respondent in the impugned order. The petitioner has relied upon the Judgment made in W.A.No.105 of 2019 dated 31.07.2019.



2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioner has relied upon the Judgment made 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, even if the employee is dismissed from service and while rejecting the representation of the petitioner, the respondents have not considered the above order. Therefore I am inclined to quash the rejection order passed by the respondents and remanded back the matter to the authorities concerned to consider the same in the light of the above judgment in W.A.No.105 of 2019 dated 31.07.2019. It is needless to say that the petitioner is directed to submit a fresh representation along with a copy of this order and the copy of the judgment made in W.A.No.105 of 2019.

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

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

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

2. The Superintending Engineer,
Agricultural Engineering Department,
Virudhunagar.

3. The Executive Engineer,
Agricultural Engineering Department,
Sivagangai.

+1 CC to M/s.Special Government Pleader (SR-11795[F] dated 16/03/2020)

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13.03.2020

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