



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2020

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

W.P. (MD) No.5334 of 2020

S. Easwaran

..Petitioner

Vs

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

2. The Assistant Executive Engineer,
Agricultural Engineering Department,
Uthamapalayam,
Theni 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 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 09.10.2019.

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

O R D E R

This Writ Petition is filed to direct the respondents to disburse the leave salary and special 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, based on the petitioner's representation dated 09.10.2019.

2. Mr.M.Karuppasamy, learned Government Advocate takes notice for the respondents. By consent of both parties, this Writ Petition is taken up for final hearing at the stage of admission itself.

3. The grievance of the petitioner is that the petitioner was placed under suspension on the date of his retirement and now the petitioner has submitted his representation to the respondents requesting them to disburse his leave salary and special provident fund and the same was kept pending by the respondents without any progress. By relying upon the judgment passed by this Court in W.A.No.105 of 2019, the present Writ Petition is filed by the petitioner.



4. The learned counsel for the petitioner has relied upon the judgment of this Court in W.A.No.105 of 2019, wherein, it was clearly stated 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.

5. In view of the above, there shall be a direction to the respondents to disburse the leave salary and special provident fund in the light of judgment dated 31.07.2019 passed by this Court in W.A.No,105 of 2019. It is needless to state that the petitioner shall submit his representation once again along with the copy of this order. Such exercise shall be completed within 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 (Records)

// 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,
Uthamapalayam,
Theni District.

+1 CC to SPL.GP (SR-11780[F] dated 16/03/2020)

W.P. (MD) No.5334 of 2020

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