



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.08.2020**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.8653 of 2020

Periyasamy

... Petitioner

-Vs-

1.The District Collector,
Karur District.

2.The Revenue Divisional Officer,
Kulithalai,
Karur District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the second respondent to disburse the special G.P.F., earned leave and unearned leave encashments and gratuity accrued to the petitioner while he was in service with eligible interest within the time frame fixed by this Court.

For Petitioner : Mr.A.Thiyagarajan
For Respondents : Mr.M.Karuppasamy
Government Advocate

ORDER

The prayer sought for herein is for a Writ of Mandamus, to direct the second respondent to disburse the special G.P.F., earned leave and unearned leave encashments and gratuity accrued to the petitioner while he was in service with eligible interest within a time frame to be fixed by this Court.

2.Heard Mr.A.Thiyagarajan, learned counsel appearing for the petitioner and Mr.M.Karuppasamy, learned Government Advocate appearing for the respondents.

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

4.The petitioner was working as Village Administrative Officer and after serving in such capacity for several years, he attained the superannuation on 31.05.2010. Eventhough he attained the superannuation on such date, he was not permitted to retire from service because there was a vigilance and anti-corruption case pending against the petitioner in crime No.16/2010 on the file of the Deputy Superintendent of Police, Vigilance and Anticorruption, Trichy under Section 7 of the Prevention of Corruption Act. Even today, the said case seems to be pending. In view of the said pendency of the criminal case, which has not ended sofar, the



petitioner still has not been permitted to retire from service. Therefore, he is not able to get retiral benefits and pensionary benefits.

5. In this context, it is the grievance of the petitioner that, if at all, the criminal case is pending, for which, the petitioner had not been permitted to retire peacefully, on superannuation and by virtue of that, he is not able to get other retiral benefits, atleast the petitioner could be disbursed with retiral benefits like General Provident Fund, encashment of earned and unearned leave salary and gratuity. These are all the retiral benefits, for which, even a person, who is dismissed from service could be entitled to get. Therefore, in this regard, in order to get atleast these benefits to run the life of the petitioner, the petitioner has given a representation on 15.11.2019 to the respondents therefore, in this regard, the learned counsel for the petitioner would submit that, if the said representation is directed to be considered on merits and the aforesaid benefits are directed to be disbursed to the petitioner at the earliest, the petitioner would be satisfied.

6. I have heard Mr. Karuppasamy, learned Government Advocate appearing for the respondents, who would submit that, because of the pendency of criminal case, the petitioner was not permitted to retire even on superannuation and the said position is still continuing nearly about ten years as the criminal case is not at over and it is pending. Therefore, the petitioner cannot be disbursed with the retiral benefits including the pensionary benefits.

7. However, insofar as the benefits like GPF, encashment of earned and unearned leave salary and gratuity are concerned, if at all the petitioner is entitled to receive those retiral benefits, certainly this aspect would be considered pursuant to the representation of the petitioner dated 15.11.2019 on merits and in accordance with law and order to that effect would be passed within a time frame to be stipulated by this Court.

8. Considering the said submissions made by both sides and taking into account of factual matrix of this case, this Court is inclined to dispose of the writ petition with the following orders:

that the respondents, especially, the second respondent is hereby directed to consider the representation of the petitioner, dated 15.11.2019 on merits and in accordance with law and pass order thereon with regard to plea of the petitioner to get the retiral benefits like special G.P.F., earned leave and unearned leave encashment as well as gratuity, for which, according to the petitioner, he is entitled to receive the same and pass order



thereon, within a period of eight (8) weeks from the date of receipt of a copy of this order.

9. With the above directions, this Writ Petition is disposed of.
No costs.

WEB COPY

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1. The District Collector,
Karur District.
2. The Revenue Divisional Officer,
Kulithalai,
Karur District.

W.P. (MD)No.8653 of 2020
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