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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.02.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.4440 of 2021  
(Heard through VC)

J.Pandiarajan

..Petitioner

-vs-

1.The Director General of Police,  
O/o.Director General of Police,  
Mylapore, Chennai - 600 004.

2.The Deputy Inspector General of Police,  
Salem Range,  
Salem District.

3.The Superintendent of Police,  
Dharmapuri District,  
Dharmapuri.

..Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the 2<sup>nd</sup> respondent to disburse the Encashment of Leave Salary and Special Provident Fund as per the petitioner's representation dated 09.11.2020 based on the earlier orders of this Honourable High Court in W.P.No.16098 of 2015 dated 08.06.2015, W.P.(MD) No.1484 of 2016 dated 29.01.2016 and in W.P.(MD).No.11791 of 2017 dated 27.06.2017 within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.M.Prabhu

For Respondents: Mr.J.Pothiraj

Special Government Pleader

O R D E R

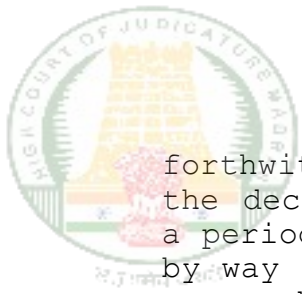
The petitioner has come forward with this writ petition seeking a direction to the second respondent to disburse the Encashment of Leave Salary and Special Provident Fund as per the petitioner's representation dated 09.11.2020 based on the earlier orders of this Court in W.P.No.16098 of 2015 dated 08.06.2015, W.P.(MD) No.1484 of 2016 dated 29.01.2016 and in W.P.(MD).No.11791 of 2017 dated 27.06.2017 within a specified time frame that may be fixed by this Court.



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

5. Considering the facts and circumstances of this case, if the Petitioner's representation is already pending with the authorities concerned and, not disposed of earlier, this Court directs the respondent concerned to consider the representation of the petitioner dated 09.11.2020, if he is otherwise eligible and pass appropriate orders, in accordance with law, after affording an opportunity of hearing to the petitioner, as expeditiously as possible, preferably within a period of 120 days from the date of receipt of a copy of this order. The petitioner shall appear for personal hearing on the specified date fixed by the respondents either physically or virtually or he shall send a written submission through registered or speed post, which can be treated as a personal hearing. In case the petitioner fails either to appear in-person or submit his written submission, there is no bar for the respondents to pass orders on the representation based on the available documents before him and the petitioner, at a later point of time, cannot take a plea that opportunity of hearing was not afforded.

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forthwith. The respondent concerned is directed to communicate the decision taken on the application, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the parties to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the parties, they will have to face the civil imprisonment in case of contempt proceedings and, if they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of attempt of delivery, so that the parties, at a later point of time, will not take a plea that he is not aware of the order.

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

s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

rsi  
To

- 1.The Director General of Police,  
O/o.Director General of Police,  
Mylapore, Chennai - 600 004.
- 2.The Deputy Inspector General of Police,  
Salem Range,  
Salem District.
- 3.The Superintendent of Police,  
Dharmapuri District,  
Dharmapuri.

W.P.No.4440 of 2021

PMK (CO)  
SP(10/08/2021)