

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

WP NO.9250 OF 2021

V.Viswanathan

.. Petitioner

Versus

1.The Commissioner of Revenue Administration
Ezhilagam, Chepauk,
Chennai - 600 005.

2.The District Collector
Tiruppur District
@ Tiruppur - 641 604.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent herein to consider and pass orders on the petitioner's representation dated 17.02.2021 given to disburse the retirement benefits such as Death - cum - Retirement Gratuity of Rs.9,19,445/-, Earned Leave encashment of Rs.5,00,152/- and Unearned Leave on private affairs of Rs.1,87,557/- in the light of the orders of this Court in W.P.No.767 of 2019 dated 02.03.2020.

For Petitioner : Mr.Ravi Shanmugam
For Respondents: Mr.R.Govindasamy
Special Government Pleader

O R D E R

The petitioner was appointed as Junior Assistant on 03.12.1984 and promoted as Assistant on 27.06.1991. He was further promoted as Deputy Tahsildar on 15.03.2000. On 06.06.2007, he was promoted as Tahsildar. He was transferred and posted on 01.04.2009 as Special Tahsildar (Stamps) Tiruppur. While he was serving as such, he was placed under suspension and the suspension order was interfered by this Court and the suspension was revoked and he was reinstated in service. However, he was placed under suspension and not allowed to retire on the eve of his retirement on attaining the age of superannuation. Thereafter, the petitioner made a representation to the respondents for settlement of DCRG, Earned Leave encashment and Unearned Leave on private affairs, on 17.02.2021. The said representation was forwarded by the second respondent

to the first respondent. Yet, no orders have been passed by the respondents.

2.Heard the submissions made on either side and perused the materials available on record.

3.The learned counsel for the petitioner would rely on the orders of this Court in W.P.No.3878 of 2014 dated 12.02.2014 and W.P.No.767 of 2019 dated 02.03.2020 for settlement of the benefits which was earned by him during his service.

4.It is well settled that even in a worst case scenario of dismissal, any Government employee will be entitled to the benefits of Encashment of Earned Leave Salary, GPF and SPF. Those benefits, which was earned during his service cannot be denied to him. Therefore, considering the orders of this Court, the respondents ought to have passed appropriate orders. But the representation made by him on 17.02.2021 is still pending without any disposal.

5.Considering the limited request for disposal of representation, a direction is given to the respondents to consider the representation of the petitioner dated 17.02.2021 in the light of the order dated 02.03.2020 passed by this Court in W.P.No.767 of 2019 within a period of eight weeks from the date of receipt of a copy of this order.

6.The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

TK

To

1.The Commissioner of Revenue Administration
Ezhilagam, Chepauk,
Chennai - 600 005.

2.The District Collector
Tiruppur District
@ Tiruppur - 641 604.

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