

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2021

C O R A M

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.No.9628 of 2021

A.Balachandran

... Petitioner

Vs.

1.The District Revenue Officer,
Namakkal District, Namakkal.

2.The Tahsildar,
Rasipuram Taluk, Rasipuram,
Namakkal District.

... Respondents

Prayer: Writ petition filed under Article 226 of Constitution of India praying to issue a writ of mandamus, directing the respondents to disburse the Gratuity, Special Provident Fund, Encashment of Earned Leave and Encashment of Un-earned Leave on private affairs to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.P.Karthikeyan
Additional Government Pleader

O R D E R

Mr.P.Karthikeyan, learned Additional Government Pleader takes notice on behalf of respondents. By consent, the Writ Petition is taken up for final disposal.

2. The petitioner was working as Senior Revenue Inspector was placed under suspension, pursuant to a criminal case filed against him by Vigilance and Anti Corruption Department. During the period of suspension, he attained the age of superannuation and he was not allowed to retire from service and his service was extended. Pending disposal of the proceedings, the petitioner seeks a direction to the respondents to disburse Gratuity, Special Provident Fund, Encashment of earned leave and unearned leave on private affairs from the respondents.

3. It is well settled by very many judgments that Special Provident Fund, earned leave and unearned leave are the properties of the employee, who earned during his services.

Therefore, even in the case of dismissal, the employee is entitled to get those earned benefits.

4. Mr.P.Karthikeyan, learned Additional Government Pleader appearing on behalf of the respondents would submit that as per the judgment of Division Bench, he is entitled to the benefits.

5. Accordingly, a direction is given to the respondents to consider disbursement the Special Provident Fund, encashment of earned leave and unearned leave which is due to the petitioner, 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.

7. However, the Gratuity amount is the subject to the order to be passed by the respondents.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

Pns
To

1.The District Revenue Officer,
Namakkal District, Namakkal.

2.The Tahsildar,
Rasipuram Taluk, Rasipuram,
Namakkal District.

+1 CC to The Government Pleader sr 24300.

SSN(CO)
SP(21/06/2021)

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