



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. (MD) No.6847 of 2021

M.Sakthivel

... Petitioner

Vs.

1.The District Collector,
Tenkasi District.

2.The Thasildhar,
Tenkasi Taluk,
Tenkasi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 09.11.2020 within a stipulated time in accordance with law.

For Petitioner : Mr.C.Senthil Murugan

For Respondents : Mr.S.Dhayalan,
Government Advocate.

ORDER

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

2.The case of the petitioner is that the petitioner was employed as Village Assistant in the year 1988. He involved in a criminal case in the year 2009. The same is registered in Crime No.4 of 2009 for the offence under Sections 7, 13(2) r/w. 13(1)(d) of Prevention of Corruption Act, registered on the file of the Vigilance and Anticorruption Cell, Tirunelveli. The petitioner was convicted and sentenced to undergo five months simple imprisonment for the offence under Section 7 of Prevention of Corruption Act and to undergo three years rigorous imprisonment and to pay a fine of Rs.5,000/- for the offence punishable under Section 13(2) r/w. 13(1)(d) of Prevention of Corruption Act. Aggrieved over the same, the petitioner filed CrI.A.(MD) No.126 of



2020 before this Court and the same is pending. Thereby, the respondent passed deemed dismissal order. However, the petitioner's service benefits were not settled. Hence, the petitioner made a representation on 09.11.2020. Since it is not acted upon, the present writ petition has been filed.

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3.The learned counsel for the petitioner submitted that the issue raised in the writ petition is no longer *res integra* and he drew the attention of this Court to the order dated 11.09.2020 in W.P.(MD)No.11473 of 2020. The learned Judge of this Court had held as follows:-

"As has been rightly pointed out by the learned counsel appearing for the petitioner, the issue raised in this Writ Petition is no more res integra as numerous judgments have been passed, constantly by this Court, where both the Division Benches as well as Single Benches have passed numerous orders on this point, as to whether the Government employee whether retired or in service, facing any disciplinary proceedings independently or pursuant to the pendency of the criminal case, would be entitled to get service benefits i.e., General Provident Fund, Special Provident Fund and also Encashment of Earned Leave Salary and the answer was in the affirmative that they are entitled to get the same."

4.The learned Government Advocate appearing for the respondents submitted that the petitioner's representation will be duly considered by the respondent within a period of twelve weeks.

5.Respectfully following the same, this Court directs the respondents to consider the petitioner's representation dated 09.11.2020 on merits and in accordance with same and dispose of the same within a period of twelve weeks from the date of receipt of a copy of this order.

6.The writ petition is disposed of accordingly. No costs.

Sd/-

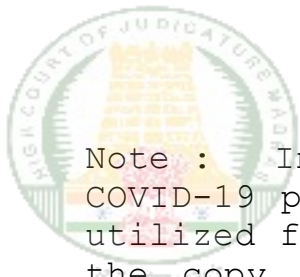
Assistant Registrar(CS-II)

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Sub Assistant Registrar(CS)

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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,
Tenkasi District.

2.The Thasildhar,
Tenkasi Taluk,
Tenkasi District.

+1 CC to M/s.SPL GP (SR-13884[F] dated 26/03/2021)

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25.03.2021

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TR(30.04.2021) 3P 4C