



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2021

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.14535 of 2021

N.Dhasaratharaman

... Petitioner

Vs.

The District Collector,
Ramanathapuram District,
Ramanathapuram.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent i.e., the District Collector, Ramanathapuram to take immediate action for disbursement of the General Provident Fund, Special Provident Fund, DCRG and Encashment of Leave Salary to the petitioner within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam
For Respondent : Mr.A.K.Manickam,
Standing Counsel for Govt.

ORDER

Mr.A.K.Manickam, learned Standing Counsel for Government takes notice on behalf of the respondent.

2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that he was last serving as Office Assistant in the respondent's office. His date of superannuation was on 30.06.2021. However, he was not allowed to retire and placed under suspension, based on a criminal case registered against him in F.I.R.No.348 of 2020, dated 10.06.2020, in which the petitioner is shown as A7, which is a private dispute. It is the grievance of the petitioner that after suspension, the retirement benefits viz., General Provident Fund, Special Provident Fund, DCRG and Encashment of Leave Salary have not been disbursed to him. The petitioner has made a representation on 10.07.2021 in this regard. However, till date, the same has not been considered by the respondent. Hence, the petitioner has come out with the present Writ Petition.

4. The learned counsel appearing for the petitioner would submit that the General Provident Fund, Special Provident Fund, DCRG and Encashment of Leave Salary are the properties of the



employees and even the dismissed employee is also entitled to get the aforesaid benefit. In support of his contention, he has relied on the following the decisions of the Hon'ble Division bench of this Court:

i) W.A.No.207 of 2016 [The Chairman cum Managing Director, Tamil Nadu Electricity Board, Chennai Vs. P.K.Panchasharam], dated 26.02.2016;

ii) W.A.No.1285 of 2019 [The State of Tamil Nadu, Rep. by the Secretary to Government Vs. V.Mahalingam], dated 10.04.2019;

iii) W.A.No.(MD)No.105 of 2019 [The Secretary to Government, Revenue Department Vs. K.Palaniyandi], dated 31.07.2019;

iv) W.A.(MD)Nos.68 of 2014 and 769 of 2018 [The State of Tamil Nadu Vs. R.Balakrishnan], dated 26.02.2020 and

v) W.A.(MD)Nos.441, 727 and 1033 of 2020 [The Deputy Director of Survey & Land Record Vs. G.Antonysamy]

In all the aforesaid decisions, the Hon'ble Division Bench of this Court has categorically held that the employees are entitled to get the retirement benefits viz., General Provident Fund, Special Provident Fund, DCRG and Encashment of Leave Salary. In spite of the aforesaid decisions of this Court, the respondent has not considered the request made by the petitioner. Therefore, appropriate orders to be passed in this Writ Petition.

5. The learned Standing Counsel for Government appearing for the respondent submitted that the petitioner's representation will be considered by taking note of the aforesaid decisions passed by the Hon'ble Division Bench of this Court.

6. Considering the submissions made by both sides, this Court is of the view that the decisions relied on by the learned counsel appearing for the petitioner will apply to the facts of this case also. Therefore, this Court directs the respondent to consider the representation of the petitioner dated 10.07.2020, in the light of the aforesaid decisions of the Hon'ble Division Bench of this Court and pass reasoned orders, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. With the above directions, this Writ petition stands disposed of. No costs.

Sd/-

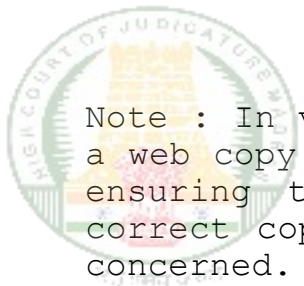
Assistant Registrar (CRL)

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Sub Assistant Registrar(CS)

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WEB COPY

To:

The District Collector,
Ramanathapuram District,
Ramanathapuram.

+1 CC to M/s.SPL GP (SR-26632[F] dated 18/08/2021)

W.P (MD) No.14535 of 2021
16.08.2021

PS (CO)
KB(25.08.2021) 3P 3C