



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2021

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THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P. (MD) No. 16835 of 2021

M.Soundararajan

... Petitioner

Vs.

The District Collector,
Ramanathapuram District,
Ramanathapuram.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the respondent to settle the monetary benefits for encashment of leave salary and Special Provident Fund in the light of the judgment in W.A.No.4018 of 2019 dated 22.11.2019 within a time as fixed by this Court by considering the representations of the petitioner dated 21.09.2020 and dated 09.04.2021.

For Petitioner	:	Mr.D.Sasikumar
For Respondent	:	Mr.A.K.Manikkam
		Standing Counsel for State.

O R D E R

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the respondent to settle the monetary benefits for encashment of leave salary and Special Provident Fund in the light of the judgment in W.A.No.4018 of 2019 dated 22.11.2019, by considering the representations of the petitioner dated 21.09.2020 and 09.04.2021.

2. According to the petitioner, he is a former Thashildar and in view of conviction and sentence in a criminal case, he was dismissed from service on 12.06.2019. As such, he was not paid with retirement benefits. However, he is entitled to get the benefit for encashment of leave salary and special provident fund in the light of the judgment in W.A.No.4018 of 2019 dated 22.11.2019. In this regard, he made representations dated 21.09.2020 and 09.04.2021 to the respondent. Since the same were not considered, the petitioner has filed this Writ Petition.

3. The learned counsel appearing for the petitioner submitted that in similar circumstances, this Court has passed an order in W.P.(MD)No.14535 of 2021, dated 16.08.2021. Therefore, on the same line orders to be passed in this Writ Petition. The relevant portions of the said order are extracted hereunder:

"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.Antonyamy]

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."

4. The learned Standing Counsel for the Government appearing for the respondent would submit that the respondent will consider

<https://hcservices.ecourts.gov.in/hcservices/>



the representations of the petitioner.

5. Considering the limited scope of the prayer sought for in this Writ Petition, this Court directs the respondent to consider the representations of the petitioner dated 21.09.2020 and 09.04.2021, by taking note of the order passed by this Court in W.P. (MD)No.14535 of 2021, dated 16.08.2021 and pass orders in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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

The District Collector,
Ramanathapuram District,
Ramanathapuram.

+1 CC to M/s.D.SASIKUMAR, Advocate (SR-29489[F] dated 17/09/2021)

+1 CC to M/s.SPL. GP (SR-29780[F] dated 21/09/2021)

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17.09.2021

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KB (01.10.2021) 3P 4C