



W.P.No.44679 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 28.09.2022**

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**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**W.P.No.44679 of 2016**  
**and**  
**W.M.P.No.38525 of 2016**

V.Kannappan

...Petitioner

Vs.

1.The Sub-Collector,  
Madurantakkam,  
Kancheepuram District.

2.The District Collector,  
Kancheepuram District.

..Respondents

**Prayer** : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 1<sup>st</sup> respondent in connection with the impugned order passed by him in RC No.3161/2008/A dated 30.11.2016 and quash the same and direct the respondents to disburse the Special Provident Fund, Encashment of earned leave to the petitioner within the stipulated time.

For Petitioner

: Mr.K.Venkatramani



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Senior Counsel  
For Mr.M.Muthappan

For Respondents : Mr.K.Surendran  
Additional Government Pleader

**ORDER**

The writ petition has been filed to quash the order dated 30.11.2016, not permitting the petitioner to retire from service.

2. The learned Additional Government Pleader appearing on behalf of the respondents made a submission that a Criminal Case registered against the writ petitioner is still pending and the petitioner was placed under suspension on the last date of his retirement and his services are extended under the Fundamental Rules. However, the learned Additional Government Pleader brought to the notice of this Court that the GPF amount due to the petitioner has already been settled as per the rules.

3. The learned Senior counsel appearing on behalf of the writ petitioner made a submission that the Leave Encashment benefit is also to be settled.



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4. Even if the petitioner is continuing under suspension in this regard, the respondents are directed to consider the case of the writ petitioner for grant of Leave Encashment as per the rules in force.

5. In this regard, the petitioner is at liberty to submit a fresh representation to the respondents, setting out the facts and details.

6. With these directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

**28.09.2022**

Index : Yes  
Speaking order: Yes  
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To  
1.The Sub-Collector,  
Madurantakkam,  
Kancheepuram District.  
  
2.The District Collector,  
Kancheepuram District.



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**S.M.SUBRAMANIAM, J.**

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