

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.17513 of 2020

K.Pugazhendhi

..Petitioner

vs.

1. The District Collector,
Ariyalur District.

2. The Assistant Director of Survey and Land Records,
District Collector Complex,
Ariyalur District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents herein to disburse the encashment leave salary and Special Provident Fund and Gratuity as per petitioner's representation dated 05.06.2020, based on the earlier order of this Court in W.A.(MD)No.105 of 2019, W.P.No.14375 of 2018 and W.P.No.16098 of 2015, W.P(MD) No.1484 of 2016 and WP.(MD)No.1179 of 2017.

For Petitioner : Mr.B.Gopalakrishnan
for Mr.R.Gokulakrishnan

For Respondents : Mr.P.Ganesan,
Government Advocate for R1 and R2

ORDER

The prayer in the writ petition is for a Mandamus directing the respondents to disburse the leave salary encashment, Special Provident Fund and Gratuity as per petitioner's representation dated 05.06.2020, based on the earlier order of this Court in W.A.(MD)No.105 of 2019, W.P.No.14375 of 2018 and W.P.No.16098 of 2015, W.P(MD)No.1484 of 2016 and WP.(MD)No.1179 of 2017.

2. According to the petitioner, he was implicated in a criminal case for the alleged commission of offences under Sections 13(2) r/w. 13(1)(d) of the Prevention of Corruption Act, 1988 and after full fledged trial, the said criminal case ended in conviction in Special CC.No.10/2012 on the file of the Chief Judicial Magistrate at Ariyalur. Assailing the

aforesaid judgment, the petitioner preferred an appeal in C.A.No.24 of 2017 on the file of this Court and the sentence was modified to 3 years simple imprisonment, vide judgment dated 23.10.2017. Challenging the same, the petitioner preferred a SLP(Crl)No.5387 of 2018 before the Hon'ble Apex Court and vide judgment dated 12.11.2018, the sentence was modified to one year and six months. According to the petitioner, even though the petitioner was convicted by the Criminal Court and consequently dismissed from service, he is entitled for disbursement of leave salary encashment, Special Provident Fund and Gratuity, in the light of the Division Bench judgment of this Court in W.A.(MD)No.105 of 2019 [Secretary to Government, Revenue Department, and others v. K.Palaniyandi].

3. Heard the learned counsel for the parties and perused the materials on record.

4. Considering the limit scope of prayer sought for by the petitioner and taking into consideration the Division Bench decision of this Court cited supra, this Court is of the view that the petitioner is entitled for Encashment of Earned Leave, Special Provident Fund and Gratuity and the respondents are directed to pass appropriate orders on the petitioner's representation dated 05.06.2020, seeking for disbursal of the aforesaid benefits, within a period of twelve weeks from the date of receipt of a copy of this order.

5. The Writ Petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

Jvm

To

1. The District Collector, Ariyalur District.
2. The Assistant Director of Survey and Land Records,
District Collector Complex,
Ariyalur District.

+1cc to Mr.R.Gokulakrishnan, Advocate SR. No. 40051
+1cc to Government Pleader SR. No. 40704

W.P.No.17513 of 2020

PM (CO)
PR (20/07/2022)