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W.P.No.30132 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.11.2022

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.30132 of 2022

Krishnasamy

.. Petitioner

Vs.

1.The District Collector,
Coimbatore District,
Coimbatore.

2.The Sub-Collector,
Sub-Collector Office,
Pollachi,
Coimbatore District.

3.The District Revenue Officer,
Pollachi,
Coimbatore District.

4.The Tahsildar,
Tahsildar Office,
Kinathukadavu,
Coimbatore District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 28.09.2022 and disburse his pending gratuity, earn leave, provident fund and special provident fund to the petitioner within the time limit fixed by this Court.



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For Petitioner : Mr.B.Kumarasamy

For Respondents : Mr.N.Naveen Kumar,
Government Advocate

ORDER

This Writ petition has been filed for a Mandamus seeking for a direction to the respondents to consider the petitioner's representation dated 28.09.2022, seeking for disbursement of his pending gratuity, earned leave, provident fund and special provident fund, within a time frame to be fixed by this Court.

2. Heard the learned counsel for the petitioner. Mr.N.Naveen Kumar, learned Government Advocate, accepts notice on behalf of the respondents. By consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner claims that earlier he was convicted under the Prevention of Corruption Act, 1988 and only on that ground, he was not paid his gratuity, earned leave, provident fund and special provident fund, by the respondents. Now, he would state that in CrI.A.No.1002 of 2007, this Court



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by its order dated 25.04.2018, set aside the findings of the trial Court and the petitioner has been acquitted. According to the petitioner, even though the pension amount has been paid to him, the other amounts namely gratuity, earned leave, provident fund and special provident fund, have not been paid despite he having been acquitted. In such circumstances, he has given a representation dated 28.09.2022, seeking for payment of the aforesaid amounts. Since the representation has not been considered till date, he has filed this writ petition.

4. The petitioner has filed a copy of the judgment dated 25.04.2018 passed by this Court in CrI.A.No.1002 of 2007, acquitting him. The petitioner has also given several representations seeking for payment of the unpaid amounts to him.

5. No prejudice will be caused to the respondents if the petitioner's representation dated 28.09.2022, seeking for disbursement of his pending gratuity, earned leave, provident fund and special provident fund, is considered on merits and in accordance with law, within a time frame to be fixed by this Court.



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6. For the foregoing reasons, this Court directs the third and fourth respondents to pass final orders on the petitioner's representation dated 28.09.2022, seeking for disbursement of his pending gratuity, earned leave, provident fund and special provident fund, on merits and in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. With the aforesaid directions, this Writ Petition is disposed of. No costs.

15.11.2022

Speaking/Non-speaking order

Index: Yes/No

Internet: Yes/No

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To

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ABDUL QUDDHOSE,J.

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