



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.04.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.4038 of 2022

M.Thavasilingam

... Petitioner

-vs-

1.The Deputy Commissioner (State Tax),
Commercial Taxes Buildings,
Satchiyapuram, Sivakasi,
Virudhunagar District.

2.The Assistant Commissioner (State Tax)-1,
141, T.P.Mill Road, Ground Floor,
Rajapalayam, Virudhunagar District.

... Respondents

[R1 and R2 - cause title amended vide
Court order dated 24.03.202].

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to provide encashment of earned leave, unearned leave on private affairs and special provident fund with interest to the petitioner on the basis of the petitioner's representation dated 16.09.2021 within the time stipulated by this Court.

For Petitioner	:	Mr.S.Louis
For Respondents	:	Mr.A.K.Manikkam, Special Government Pleader

O R D E R

The relief sought for in the present writ petition is to direct the respondents to provide encashment of earned leave, unearned leave on private affairs and special provident fund with interest to the petitioner on the basis of his representation dated 16.09.2021.

2. Admittedly the petitioner was placed under suspension and not allowed to retire from service. His services were extended due to the pendency of a criminal case and the departmental disciplinary proceedings. The restricted prayer made in the writ petition is that eligible dues as per the service rules are to be settled in



favour of the writ petitioner.

3. The learned counsel for the petitioner reiterated that the petitioner is entitled to get encashment of earned leave and unearned leave on private affairs and special provident fund with interest, which all are due to the writ petitioner. Beyond this, the petitioner would be eligible to draw provisional pension not exceeding the subsistence allowance during the period of suspension as per the rules.

4. Considering the case on hand, the respondents are directed to settle all the dues pending to the writ petitioner for which he is eligible in accordance with the rules in force as expeditiously as possible. With this direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (P&A)

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Sub Assistant Registrar(CS)

abr

To

1.The Deputy Commissioner (State Tax),
Commercial Taxes Buildings,
Satchiyapuram, Sivakasi,
Virudhunagar District.

2.The Assistant Commissioner (State Tax)-1,
141, T.P.Mill Road, Ground Floor,
Rajapalayam, Virudhunagar District.

+1 CC to M/s.SPL.GP (SR-17167[F] dated 07/04/2022)

+1 CC to M/s.S. LOUIS, Advocate (SR-17119[F] dated 07/04/2022)

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AM(CO)
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