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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.2898 of 2023

A.Subramani

Petitioner

vs.

The Deputy Director,
Fire and Rescue Service Department,
Western Region, Vellore.

Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to disburse earned leave for 240 days, unearned leave for medical affairs for 180 days, Special Provident Fund from April 1984 to July 1996 for 148 months at the rate of Rs.20 under 1984 plan, Special Provident Fund from October 2000 to June 2011 for 129 months at the rate of Rs.50 under the year 2000 plan, any other amount due and payable to the petitioner together with 9% interest P.A. from the date attaining the age of superannuation i.e. 30/6/2012 by the petitioner within time frame.

For Petitioner : Mr.B.Thirumalai



For Respondents : Mr.RU.Dinesh Kumar
Additional Government Pleader

ORDER

This writ petition has been filed for issue of writ of mandamus directing respondent to disburse the Earned Leave, Unearned Leave for medial affairs and Special Provident Fund with interest, based on the request made by the petitioner, who had attained the age of superannuation on 30.06.2012.

2.The case of the petitioner is that he was working as Assistant Divisional Officer in the Fire and Rescue Service Department. While so, a criminal complaint came to be given before the DV & AC and an FIR came to be registered for offence under Section 7 and Section 13(1)(d) of the Prevention of Corruption Act. The petitioner was not allowed to retire in view of the pendency of the criminal prosecution. According to the petitioner, the criminal case is now pending in Spl.C.C.No.1 of 2013 before the Chief Judicial Magistrate, Chengalpattu and it is at the stage of defence evidence.

3.The grievance of the petitioner is that the petitioner is entitled for



the disbursement of the Earned Leave, Unearned Leave for medical affairs and Special Provident Fund, irrespective of the criminal case that is pending against him and irrespective of the disciplinary proceedings that may be initiated against him. To substantiate this claim made by the petitioner, the earlier orders passed by this Court by the Division Bench in W.A.(MD).Nos.68 of 2014 and 768 of 2018 has been relied upon. Since the request made by the petitioner was not acted upon, the present writ petition has been filed before this Court seeking for appropriate directions.

4.Heard Mr.B.Thirumalai, learned counsel appearing on behalf of the petitioner and Mr.RU.Dinesh Kumar, learned Additional Government Pleader appearing on behalf of the respondent.

5.In the considered view of this Court, the issue involved in the present writ petition is squarely covered by the earlier orders passed by this Court. In view of the same, there shall be a direction to the petitioner to make a fresh representation to the respondent along with all the relevant documents and also a copy of this order and the same shall be



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acted upon by the respondent and considered on its own merits and in line with the earlier orders passed by this Court. A final decision shall be taken, within a period of six weeks from the date of receipt of copy of this order.

6.This writ petition is disposed of with the above directions. No Costs.

06.02.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
ssr



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The Deputy Director,
Fire and Rescue Service Department,
Western Region, Vellore.



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N. ANAND VENKATESH, J.

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