



WEB COPY



W.P.No.1310 of 2018

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 06.03.2023

**CORAM:
THE HON'BLE MRS.JUSTICE S. SRIMATHY**

**W.P.No.1310 of 2018
and W.M.P.No.1645 of 2018**

P.Anbarasan

...Petitioner

Vs

- 1.The Secretary to Government,
Revenue Department, Fort St. George,
Chennai 600 009.
- 2.The Principal Secretary /
Commissioner for Revenue Administration,
Chepauk, Chennai 600 005.
- 3.The District Collector,
Villupuram District, Villupuram.
- 4.The Personal Assistant (General),
To the Collector of Villupuram District /
Pay Drawing Officer, Collectorate,
Villupuram, Villupuram District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondents to disburse the Gratuity, Special Provident Fund, Encashment of Earned Leave and Encashment of Un-earned Leave on private affairs to the petitioner.



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For Petitioner : No representation

For Respondents : Mrs.V.Yamuna Devi,
Special Government Pleader

ORDER

This Writ Petition is filed for mandamus to disburse the Gratuity, Special Provident Fund, Encashment of Earned Leave and Encashment of Un-earned Leave on private affairs to the petitioner.

2.Today, when the matter was taken up for hearing, the learned Special Government Pleader submitted that a case has been registered by the Vigilance and Anti Corruption Department against the petitioner, for which, the petitioner was arrested and suspended from service from 13.11.2009. The petitioner already submitted a representation dated 17.09.2017 to the third respondent to disburse the benefits. She further submitted that the petitioner relies on the order of this Court made in W.P.No.7 of 2016 dated 22.08.2017 in the case of ***R.Kannaian Vs. The Commissioner and Secretary to Government and another***, whereby, the learned Single Judge directed the respondents to disburse the personal contribution of the suspended employee including Provident Fund, Special Provident Fund, Encashment of Earned Leave and Encashment of



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Unearned Leave as early as possible preferably within a period of 12 weeks from the date of receipt of that order.

3.Since the petitioner is facing charges under the Vigilance and Anti Corruption, the petitioner may not be entitled to gratuity. But the respondents are bound to pay, Provident Fund, Special Provident Fund along with Encashment of Earned Leave and Encashment of Unearned Leave.

4.Therefore, this Court is directing the third respondent to pay the personal contribution of the employee, i.e., Provident Fund, Special Provident Fund, Encashment of Earned Leave and Encashment of Unearned Leave on private affairs within a period of eight weeks from the date of receipt of copy of this Order.

5.With the above directions, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is also closed.

06.03.2023

Index:Yes/No
Speaking order/Non-speaking order
vkr



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S.SRIMATHY, J.

vkrr

To

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