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W.P. No.35098 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2023

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.35098 of 2022

P.Asokan

.. Petitioner

VS

1. The Government of Tamil Nadu
Rep. by its Secretary to Government
Higher Education Department
Secretariat, Chennai - 600 009.

2. The Director of Collegiate Education
Institute of Advance Study Campus
577, Anna Salai
Saidapet, Chennai - 600 015.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first and second respondents to pass appropriate orders on the representations of the petitioner dated 21.06.2017 and 06.02.2019 for sanction of Special Provident Fund and Encashment of Earned Leave / Private Affairs at the credit of the petitioner as on 28.02.2017 within a reasonable period as may be fixed by this Hon'ble Court.

For Petitioner : Mr.T.Ranganathan

For Respondents : Mr.E.Sundaram
Government Advocate



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ORDER

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This writ petition has been filed for a Mandamus, seeking for a direction to the first and second respondents to pass appropriate orders on the representations of the petitioner dated 21.06.2017, 06.02.2019 and 30.11.2022 for sanction of special provident fund and encashment of earned leave / private affairs to the credit of the petitioner as on 28.02.2017.

2. Mr.E.Sundaram, learned Government Advocate takes 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 grievances of the petitioner is that, even though he retired from service in the year 2017 itself and charges framed against him were also dropped and subsequently a relieving order was also issued, till date, he has not been sanctioned with the payment of special provident fund and encashment of earned leave / private affairs.

4. The petitioner has filed documents along with this writ petition in support of his claim. He has given three representations, including the last representation on 30.11.2022 to the respondents, requesting them to



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sanction his special provident fund and encashment of earned leave / private affairs. Since the representations have not been considered till date, he has filed this writ petition.

5. Heard Mr.T.Ranganathan, learned counsel for the petitioner and Mr.E.Sundaram, learned Government Advocate, appearing for the respondents.

6. No prejudice would be caused to the respondents if the petitioner's representations, as stated *supra*, are considered on merits and in accordance with law, within a time frame to be fixed by this Court.

7. For the foregoing reasons, this Court directs the first respondent to pass final orders, on merits and in accordance with law, on the petitioner's representation dated 30.11.2022, requesting for sanction of special provident fund and encashment of earned leave / private affairs in his favour within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, this writ petition is disposed of. There



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will be no order as to costs.

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Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation: Yes/No
drm/nl

To :

1. The Secretary to Government
The Government of Tamil Nadu
Higher Education Department
Secretariat, Chennai - 600 009.
2. The Director of Collegiate Education
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ABDUL QUDDHOSE, J.

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