



W.P.(MD)No.28755 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.12.2023

CORAM

THE HONOURABLE MR.JUSTICE **R.VIJAYAKUMAR**

W.P.(MD)No.28755 of 2023

S.Raju

... Petitioner

vs.

1.The Inspector General of Registration,
100, Santhome High Road,
Pattinapakkam, Chennai-600 028

2.The Deputy Inspector General of Registration,
Integrated Registrar Office Complex,
St. Mark Road, Palayamkottai-627 002

3.The District Registrar,
Thirunelveli, Thirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to encash the petitioner's accumulated earned leave, unearned leave and special provident fund and disburse the same to the petitioner based on his representation dated 09.11.2023 within the time stipulated by this Court.



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For Petitioner :Mr.A.Jayaramachandran
For Respondents :Mr.R.Suresh Kumar
Additional Government Pleader

ORDER

The present Writ Petition has been filed by a Junior Assistant working in the Registration Department seeking a Mandamus as against the respondents to permit the petitioner to encash the accumulated earned leave, unearned leave and Special Provident Fund and disburse the same.

2.The petitioner herein was implicated in DVAC proceedings in Cr.No.13 of 2017 on the file of the Inspector of Police, DVAC, under Section 7 of Prevention of Corruption Act, 1988. The investigation is still pending in Spl.C.C.No.3 of 2018 on the file of the Special Court, (Prevention of Corruption Act cases), Madurai.

3.The respondents authority have issued an order on 29.07.2019 retaining him in service and not permitting the petitioner to retire from service. The petitioner has sent a representation on 09.11.2023 requesting the authorities to disburse the accumulated earned leave, unearned leave



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and Special Provident Fund. Since the said request was not considered, the present Writ Petition has been filed.

4.The learned Additional Government Pleader appearing for the respondents brought to the notice of this Court the G.O.(Ms)No.100, Human Resource Management (FR.II) Department, dated 07.09.2022, wherein, the fundamental rules have been amended to the effect that in case, if a Government servant is not permitted to retire and retained in service, encashment of earned leave and leave on private affairs shall be deferred to such a Government servant. Therefore, the request made by the petitioner with regard to encashment of accumulated earned leave and unearned leave cannot be considered at this stage.

5.However, the respondent authorities are directed to disburse the Special Provident Fund and Provident Fund to the Writ Petitioner within a period of eight weeks from the date of receipt of a copy of this order. The disbursal of the earned leave and unearned leave will depend upon the final outcome of the disciplinary proceedings.



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6. With the above directions, this Writ Petition is disposed of. No costs.

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

06.12.2023

cmr

To

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Pattinapakkam, Chennai-600 028

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R.VIJAYAKUMAR, J.

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