



W.P.No.24497 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.24497 of 2022

N.Sankar

...Petitioner

-Vs-

1.The Government of Tamilnadu,
represented by the Agricultural Production,
Commissioner and Secretary to the Government,
Agriculture Department, Fort St., George,
Chennai-600 009.

2.The Chief Engineer (Agricultural Engineering)
Anna Salai, Nandanam, Chennai-600 035.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the Respondents to pay the General Provident Fund, Special Provident Fund, Leave Salary (Earned and Unearned Leave payable to the petitioner within a time limit to be stipulated by this Hon'ble Court and further direct the Respondents to pay interest to him at the rate of 12% per annum from 01.07.2022 till the actual date of payment of the said benefits.

For petitioner : Mr.P.Manojkumar

For respondents : Mr.K.Tamilvendan
Government Advocate

ORDER



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This writ petition has been filed for direction to the respondents to pay the General Provident Fund, Special Provident Fund, Leave Salary with applicable interest.

2. The petitioner was appointed as Junior Draughting Officer in the Agricultural Engineering Department on 28.12.1984 and subsequently promoted to the post of Junior Engineer in the year 2008 and thereafter he was promoted to the post of Assistant Executive Engineer. However, the due date of his retirement i.e., 30.06.2022. He was placed under suspension and also initiated disciplinary proceedings. Now the disciplinary proceedings is pending. Though, the petitioner was not permitted to retire from his service. He is entitle for General Provident Fund, Special Provident Fund and leave salary. Though, the petitioner entitle for all other benefits, without allowing him to retire from service, the Government Order passed in G.O.Ms.No.100, Human Resources Management (FR.II) Department dated 07.09.2022 thereby amended the Rule 52. Accordingly, Government Servants who are dismissed or resigned from service or placed under suspension and not permitted for encashment of earned leave and leave on private affairs. They



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are entitled for other benefits such as General Provident Fund, Special Provident Fund.

3. On perusal of the Counter Affidavit filed by the second respondent revealed that the necessary instructions was given to the Assistant Executive Engineer, (Agricultural Engineering), Kallakurichi by its communication dated 26.09.2022 to disburse the Provident Fund and Special Provident Fund to the petitioner subject to the outcome of the criminal case in Spl.Case.No.02 of 2021.

4. In view of the above, the petitioner is entitled only for General Provident Fund and Special Provident Fund. Accordingly, the respondents are directed to disburse the terminal benefits such as General Provident Fund and Special Provident Fund to the petitioner within a period of two weeks from the date of receipt of copy of this order. It is also made clear that if the petitioner is permitted to retire from service he is entitled for terminal benefits.



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5. With the above direction, this writ petition is disposed of. No

costs.

25.03.2024

Index : Yes/No
Speaking/Non Speaking Order
Neutral Citation : Yes/No
gvn

To

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Chennai-600 009.
- 2.The Chief Engineer (Agricultural Engineering)
Anna Salai, Nandanam, Chennai-600 035.

G.K.ILANTHIRAIYAN,J.



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