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W.P.No.25555 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.25555 of 2024

S.Ravichandran,
Formerly Assistant,
Rajapalayam Municipality,
(under suspension),
No.11/4, Tiruppukoodal Street,
Little Kancheepuram,
Kancheepuram – 631 501.

.. Petitioner

Vs.

1.The Director of Municipal Administration,
No.75, Santhome High Road,
MRC Nagar, Raja Annamalaipuram,
Chennai – 600 028.

2.The Principal Secretary to Government,
Municipal Administration and Water Supply
Department,
Secretariat, Chennai – 600 009.

3.The Commissioner,
Rajapalayam Municipality,
Rajapalayam.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2nd respondent to sanction and disburse General Provident Fund final settlement, Special



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Provident Fund, Encashment of Earned Leave / Private Affairs due to the petitioner as on the date of retirement 30.06.2024, within a reasonable period as may be fixed by this Court.

For petitioner : Mr.T.Ranganathan
For Respondents : Mr.C.Selvaraj
Additional Government Pleader

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the 2nd respondent to sanction and disburse the general provident fund final settlement, special provident fund, encashment of earned leave / private affairs due to the petitioner as on the date of retirement 30.06.2024.

2.Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

3.The case of the petitioner is that he was working as an Assistant in the Rajapalayam Municipality. The petitioner was about to attain the age of superannuation on 30.06.2024. However, the 1st respondent through proceedings dated 28.06.2024, placed the petitioner under suspension and a separate proceedings was issued on the same day not



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permitting the petitioner from retiring from service.

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4.The grievance of the petitioner is that the respondents cannot withhold the general provident fund, special provident fund, encashment of earned leave / private affairs even if the disciplinary proceedings are pending. The petitioner made a representation in this regard on 14.08.2024. Since, the same did not evoke any response, the present writ petition has been filed before this Court.

5.Taking into consideration the facts and circumstances of the case and the judgment of the Division Bench of this Court in W.A.(MD).No.105 of 2019 dated 31.07.2019, there shall be a direction to the 2nd respondent to deal with the representation made by the petitioner on 14.08.2024. The judgment that has been relied upon by the petitioner made it very clear that even in a case where the disciplinary proceedings ultimately end up in dismissal, the employee cannot be deprived of the provident fund, special provident fund, encashment of earned leave / unearned leave, etc. Therefore, the same shall be kept in mind by the 2nd respondent and appropriate orders shall be passed within a period of six (6) weeks from the date of receipt of a copy of this order.



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6.The petitioner is directed to make a fresh representation to the 2nd respondent along with all the relevant documents and also a copy of this order.

7.Accordingly, this Writ Petition is disposed of with the above directions. No costs.

04.09.2024

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

- 1.The Director of Municipal Administration,
No.75, Santhome High Road,
MRC Nagar, Raja Annamalaipuram,
Chennai – 600 028.
- 2.The Principal Secretary to Government,
Municipal Administration and Water Supply
Department,
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- 3.The Commissioner,
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N.ANAND VENKATESH, J.

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