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W.P.No.27191 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.27191 of 2024

R.Chandran,
Sanitary Inspector,
Salem City Municipal Corporation,
Salem – 636 001.

.. Petitioner

Vs.

- 1.The Commissioner,
Salem City Municipal Corporation,
Salem – 636 001.
- 2.The Director of Municipal Administration,
No.75, Santhome High Road,
MRC Nagar, Raja Annamalaipuram,
Chennai – 600 028.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the representations submitted by the petitioner on 25.06.2024 and 01.08.2024 for sanction and disbursement of General Provident Fund, Special Provident Fund, Encashment of Earned Leave / Private Affairs of the petitioner at his credit as on 31.05.2024, the date of superannuation, within a reasonable period as may be fixed by this Court.



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For petitioner : Mr.T.Ranganathan
For R1 : Mrs.N.Devi
Standing Counsel
For R2 : Dr.T.Seenivasan
Special Government Pleader

ORDER

This Writ Petition has been filed for the issue of writ of mandamus directing the respondents to consider the representations submitted by the petitioner on 25.06.2024 and 01.08.2024, wherein the petitioner is seeking for sanction and disbursement of General Provident Fund, Special Provident Fund, Encashment of Earned Leave / Private Affairs at his credit as on 31.05.2024.

2.Heard the learned counsel for the petitioner, learned Standing Counsel for the 1st respondent and the learned Special Government Pleader for the 2nd respondent.

3.The case of the petitioner is that he was appointed as Sanitary Inspector in the Salem City Municipal Corporation in the year 1989. The petitioner continued in the said post till his superannuation on



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31.05.2024. The petitioner was permitted to retire from service through proceedings dated 31.05.2024 subject to certain conditions.

4.The grievance of the petitioner is that after he was relieved from service, the petitioner was not disbursed with the General Provident Fund, Special Provident Fund, Encashment of Earned Leave / Private Affairs, etc,. The representation made by the petitioner in this regard also did not evoke any response. It is under these circumstances, the present writ petition has been filed before this Court.

5.When the matter was taken up for hearing, the learned Standing Counsel for the 1st respondent, based on the written instructions received from the Assistant Commissioner of the Corporation submitted that the amount was not settled in favour of the petitioner since, the Audit clearance has not been given. Therefore, steps are being taken to get the clearance and thereafter to settle the benefits of the petitioner.

6.In the considered view of this Court, it is now too well settled that in so far as the disbursement of General Provident Fund, Special Provident Fund, Encashment of Earned Leave / Private Affairs are



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concerned, it is a property which absolutely belongs to the employee and under no circumstances, the same can be retained. This Court has already settled the law on this issue. In view of the same, the amounts that have been claimed by the petitioner will have to be disbursed and it can never be retained.

7.In the light of the above discussions, there shall be a direction to the 1st respondent to deal with the representation made by the petitioner on 01.08.2024 in the light of the above observations made by this Court and in the light of the judgment of the Division Bench of this Court in ***Secretary to Government, Revenue Departmental, Secretariat, Chennai – 600 009 Vs. K.Palaniyandi*** reported in ***2019 (5) CTC 19*** and pass appropriate orders within a period of six (6) weeks from the date of receipt of a copy of this order and those amounts shall be disbursed to the petitioner within a period of eight (8) weeks.

8.The petitioner is directed to make a fresh representation to the 1st respondent along with all the relevant documents and also a copy of this order.



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9.In the result, this writ petition is disposed with the above
directions. No costs.

20.09.2024

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

To

- 1.The Commissioner,
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- 2.The Director of Municipal Administration,
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N.ANAND VENKATESH, J.

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