



W.P.No.7875 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2024

CORAM:

THE HONOURABLE MRS. JUSTICE N.MALA

W.P.No.7875 of 2016

S.Krishnasamy

... Petitioner

Vs

The Sub Collector,
Pollachi,
Coimbatore District.

.... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus directing the respondent to disburse the General Provident Fund, Special Provident Fund, Encashment of Earned Leave and Encashment of Un-earned leave on private affairs and difference in extension of pay (Pension) to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.R.Kumaravel
Additional Government Pleader



W.P.No.7875 of 2016

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ORDER

This writ petition has been filed for issuance of a writ of mandamus directing the respondent to disburse the General Provident Fund, Special Provident Fund, Encashment of Earned Leave and Encashment of Un-earned leave on private affairs and difference in extension of pay (Pension) to the petitioner.

2. The case of the petitioner is that he was appointed as Village Administrative Officer in the Revenue Department, Coimbatore District on 11.08.1982. While he was discharging his duties as VAO at Udumalpet, Coimbatore district on 28.02.2002, he was arrested by the Inspector of Police, Vigilance and Anti-Corruption Police on a false complaint. After his arrest the respondent suspended the petitioner from service on 28.02.2002, and he had to face departmental proceedings. While so, the criminal case against him ended in his conviction by the Criminal Court, which imposed one year imprisonment and a fine of Rs.2,000/- in Special C.C.No.2 of



W.P.No.7875 of 2016

WEB COPY

2003 dated 17.10.2007. Against the conviction and sentence he preferred appeal before this Court and obtained order of suspension of sentence. Thereafter the respondent straight away terminated him from service on 17.04.2008, on the ground that he was convicted by the criminal court. In this connection the petitioner made several representations to the respondent including one on 15.09.2015, requesting to disburse his retirement benefits, but no order was passed. Hence, the petitioner has filed the writ petition for the aforesaid relief.

3. The learned counsel for the petitioner relying on the judgments of this Court in W.A.No.207 of 2016, W.P.No.29950 of 2017 and W.P.No.15457 of 2015, submitted that the petitioner was entitled to terminal benefits.

4. The learned Additional Government Pleader expressed that he had no instructions on the status of the petitioner's representation dated 15.09.2015, and so he prayed that a direction may be issued to the respondents to dispose the petitioner's representation. The contention of the respondent counsel though



W.P.No.7875 of 2016

WEB COPY

innocuous, is not countenanced because I find that the prayer in the writ petition is squarely covered by the judgments of this Court in W.A.No.207 of 2016, W.P.No.29950 of 2017 and W.P.No.15457 of 2015 and particularly in the case of ***P.K.Panchaksharam Vs The Chiarmman cum Managing Director, Tamil Nadu Generation and Electricity Distribution Corporation Ltd., Tamil Nadu Electricity Board, Chennai and others*** at para no. 6 & 7 it is held as follows:-

6. I am in agreement with the submissions made by the learned counsel for the petitioner. As rightly contended by the learned counsel for the petitioner, payment of Special Provident Fund, Encashment of Earned Leave and Encashment of Unearned Leave on Private Affairs are concerned, the department cannot withhold the same, as those are the properties of the workman.

7. In view of the same, a direction is issued to the respondents to disburse Encashment of Earned Leave and Encashment of Unearned Leave on Private Affairs. As far as Special Provident Fund is concerned, the respondents are directed to refund the same, if there is any contribution made by the petitioner. If petitioner has contributed towards other terminal benefits, the



WEB COPY



W.P.No.7875 of 2016

extent to the contribution made by the petitioner shall also be paid. The respondents are directed to disburse the aforesaid amount, within a period of six weeks from the date of receipt of a copy of this order.

Therefore following the aforesaid judgments of this Court, a direction is issued to the respondent to disburse the Special Provident Fund, Encashment of Earned Leave and Encashment of Un-earned leave on private affairs and difference in extension of pay to the petitioner within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

09.09.2024
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dpq
Index: Yes/No
Speaking order / Non speaking order

5/7



WEB COPY



W.P.No.7875 of 2016

To
The Sub Collector,
Pollachi,
Coimbatore District.

N. MALA, J.

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W.P.No.7875 of 2016

(2/2)



WEB COPY



W.P.No.7875 of 2016

09.09.2024