



W.P.(MD).No.3792 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.3792 of 2024

S.S.Porchelian

... Petitioner

Vs.

1.The Engineer-in-Chief,
W.R.O and Chief Engineer (General),
P.W.D, Chepauk,
Chennai – 600 005.

2.The Principal Accountant General (A & E),
No.361, Annasalai,
Chennai – 18.

3.The Executive Engineer,
W.R.O., Sittraru Basin Division,
Tenkasi-Kudiyiruppu,
Courtalam,
Tenkasi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to pay encashment of leave salary and general special provident fund for the period 01.01.1996 to 11.05.2015 to the petitioner by considering his representation dated 05.10.2023.



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For Petitioner : Mr.T.Leninkumar
For R1 & R3 : Mr.C.Baskaran
Government Advocate
For R2 : Mr.P.Gunasekar

ORDER

Mr.C.Baskaran, learned Government Advocate takes notice for the respondents 1 and 3 and Mr.P.Gunasekar, learned counsel takes notice for the 2nd respondent.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The brief facts which are necessary for the disposal of this Writ Petition are as follows:-

The petitioner was working as Junior Assistant in the respondent Department. On 11.05.2015, a case was registered against the petitioner by the Inspector of Police, Vigilance and Anti-corruption, Tirunelveli for which he was arrested and remanded to judicial custody following which he was placed under suspension. The 1st respondent is paying subsistence allowance to the petitioner. A charge sheet was filed in Special Case No.4 of 2016 on the file of



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the Special Court for Trial of Cases under Prevention of Corruption Act, Tirunelveli and vide judgment dated 25.09.2019. the petitioner was convicted to undergo simple imprisonment for a period of 4 years. The petitioner has preferred an appeal in CrI.A(MD)No.465 of 2019 before this Court and sentence has been suspended by order dated 03.10.2019 in CrI.M.P(MD)No. 8599 of 2019 in CrI.A(MD)No.465 of 2019. While so, the petitioner was terminated from service vide proceedings of the 1st respondent dated 31.01.2020. The petitioner made a representation dated 05.10.2023 to the respondents 2 and 3 for the disbursement of encashment of leave salary and General Special Provident Fund of which the petitioner is entitled to. The same was not considered. Hence, the present Writ Petition came to be filed.

4. The learned counsel for the 2nd respondent fairly submitted that if the petitioner submits a fresh application to the 2nd respondent for release of GPF, GPF amount would be released.



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5. In view of the submission of the learned counsel for the 2nd respondent, the petitioner is directed to make a fresh application to the 2nd respondent for the release of GPF amount.

6. As far as the representation for other requests are concerned, it is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

7. It is made clear that without going into the merits of this case, this Court hereby directs the respondents to consider the representation of the petitioner by considering the representation dated 05.10.2023 and pass appropriate orders in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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8. Accordingly, this Writ Petition stands disposed of. No costs.

20.02.2024

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

To

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L.VICTORIA GOWRI, J.

CM

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