



WEB COPY

W.P.No.19153 c



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2025

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.19153 of 2015

Tmt S.Premaleela

... Petitioner

Vs.

The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore – 641 001.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to release the General Provident Fund, Special Provident Fund, and encashment of Earned Leave/Private Affairs at the credit of the petitioner as on the date of superannuation on 30.09.2009 within a reasonable period.

For Petitioner : Mr.T.Ranganathan

For Respondent : Mr.Najeeb Ushman Khan,
Standing Counsel for Coimbatore Corporation



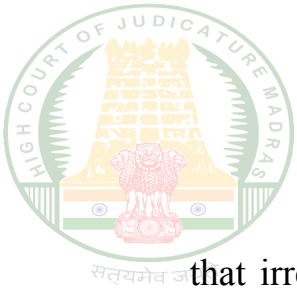
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ORDER

This writ petition has been filed seeking a writ of mandamus, directing the respondent to release the amounts due towards General Provident Fund, Special Provident Fund and encashment of earned leave/ private affairs at the credit of the petitioner within a reasonable time.

2. The relief that is sought by the petitioner is on an assumption that the petitioner retired from service on attaining the age of superannuation on 30.09.2009. A perusal of the affidavit filed in support of the writ petition disclose that there were certain disciplinary proceedings that were initiated against the petitioner, and a report of the Enquiry Officer was also submitted. However, there is nothing indicated in the affidavit as to what had happened to the said disciplinary proceedings initiated against the petitioner.

3. In the light of the above, this court is unable to examine the matter on merits to decide the entitlement or dis-entitlement of the petitioner for the relief sought for in the present writ petition.

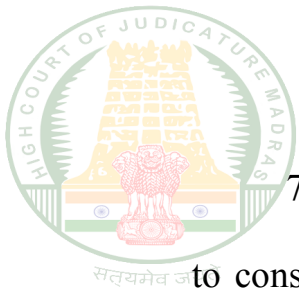


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4. Mr.T.Ranganathan, learned counsel for the petitioner contended that irrespective of the result of the disciplinary proceedings, the petitioner is entitled for General Provident Fund, Special Provident Fund and encashment of earned leave, including on private affairs at the credit of the petitioner and as they are all the amounts that are earned by the petitioner while she was in service and, under those circumstances, those amounts cannot be appropriated by the respondent.

5. The learned counsel for the petitioner also placed reliance on the decision of the Hon'ble High Court of Punjab & Haryana in L.P.A.No.113 of 2012 dated 04.07.2012 and also the decisions of the this court in W.P.No.9519 of 2012 dated 04.07.2012 and W.P.No.8518 of 2013 dated 03.09.2014.

6. In the light of the above, this court is of the considered view that instead of this court adjudicating the matter on merits, it would be appropriate to direct the respondent to consider the case of the petitioner for payment of the amounts that are being claimed in the present writ petition and pass appropriate orders thereon as expeditiously as possible.



7. Accordingly, the writ petition is disposed of, directing the respondent to consider the claim of the petitioner for release of General Provident Fund, Special Provident Fund and Encashment of Earned Leave/ private affairs at the credit of the petitioner and pass appropriate orders thereon, as expeditiously as possible, at any rate within a period of two months from the date of receipt of a copy of this order. The petitioner is also granted liberty to submit a fresh representation, if she so desires, within a period of two weeks from the date of receipt of a copy of this order. No costs. Connected miscellaneous petitions, if any, shall stand closed.

30.06.2025

skr

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

The Commissioner,
Coimbatore City Municipal Corporation,
Coimbatore – 641 001.



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MUMMINENI SUDHEER KUMAR, J.
skr

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