



WEB COPY



W.P. No.2971 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.2971 of 2016

M.Indirani

... Petitioner

Vs.

The Revenue Divisional Officer,
Erode, Erode District.

...Respondent

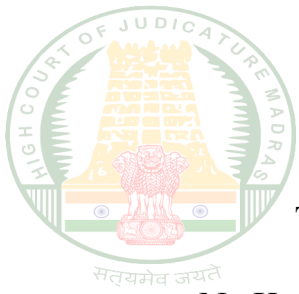
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the respondent in her proceedings Na.Ka.3912/2005/A2, dated 02.12.2015 and quash the same and consequently directing the respondent to disburse the Gratuity, remaining General Provident Fund, Special Provident Fund, Encashment of Earned Leave and Encashment of Un-earned Leave on private affairs to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.P.Ganesan
Additional Government Pleader.

ORDER

Page No.1 of 4

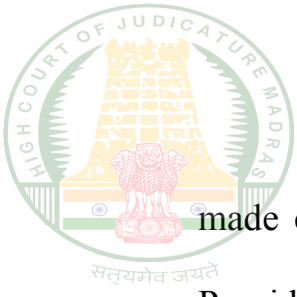


W.P. No.2971 of 2016

The writ petition has been filed challenging the proceedings Na.Ka.3912/2005/A2, dated 02.12.2015 whereby the request of the petitioner for disbursal of his terminal benefits was rejected.

2. When the matter is taken up for consideration, it is brought to the notice of this Court that the petitioner was convicted in Spl CC No.19 of 2015, by judgment dated 28.12.2018, by the Court of Chief Judicial Magistrate, Erode and consequently, the petitioner was also dismissed from service, through proceedings dated 05.07.2019.

3. In view of the same, the question of release of terminal benefits of the petitioner does not arise. However, in case, if the the petitioner is entitled for any amounts notwithstanding the conviction and dismissal order suffered by the petitioner, it is left open to the petitioner to submit appropriate representation before the respondent within a period of four (4) weeks from the date of receipt of a copy of this order. On submission of such representation, the respondent shall consider the same and release the amounts if any the petitioner is entitled to under law within a further period of eight (8) weeks from the date of submission of representation. However, it is



W.P. No.2971 of 2016

made clear that the petitioner is entitled to a refund of his Contribution of Provident fund, notwithstanding the conviction and dismissal from service.

Hence, the respondent is directed to release the said amount within the time stipulated above.

4. Accordingly, the writ petition is disposed of. The connected miscellaneous petitions, if any, shall stand closed. No costs.

31.01.2025

Index : Yes/No
Speaking Order : Yes/No
dpa

To:

The Revenue Divisional Officer,
Erode, Erode District.

MUMMINENI SUDHEER KUMAR,J.

dpa



WEB COPY



W.P. No.2971 of 2016

W.P.No.2971 of 2016

31.01.2025