

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 29.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.30600 of 2015

N.Balakrishnan

..Petitioner

Vs

1. The Commissioner,
Milk Production and Dairy Development,
Madhavaram Milk Colony,
Aavin Illam,
Chennai - 600 051.

2. The Secretary to Government,
Animal Husbandry, Dairing and
Fisheries Department,
Fort St.George,
Chennai - 600 009.

3. The General Manager,
Dharmapuri District Co-operative
Milk Producers' Union,
Dharmapuri at Krishnagiri.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the 1st Respondent herein to dispose of the Representation dated 19.02.2015 of the petitioner claiming the salary and allowance of encashment of Unearned Leave on Private affairs and to pass orders to pay the same to the petitioner within the time frame by this Court.

For Petitioner : Mr.R.Muthukkannu
For RR 1 & 2 : Mr.R.Vijayakumar, AGP
For R3 : Mr.T.K.Ashok Kumar

ORDER

By consent, the writ petition is taken up for final disposal.

2 The petitioner joined as Extension Assistant Grade II in the services of the Tamil Nadu Dairy Development Corporation on 18.01.1984 and retired on superannuation on 31.03.2012, as a Special Grade Officer. The petitioner would further state that though the post carries no pensionary benefits, the rules

applicable to the Government servants are being followed in respect of the employees working under the 1st respondent and the benefits of G.O.Ms.No.409, Finance [Pension] Department dated 31.07.2004 was made applicable in respect of encashment of privilege leave and unearned leave on private affairs at the time of retirement/death of the employees by the Tamilnadu Cooperative Milk Producers' Federation Limited [AAVIN], Chennai-51. Since the petitioner is similarly placed, he has submitted a representation dated 19.02.2015 to the 1st respondent and though it was received and acknowledged, no orders have been passed and hence, the petitioner came forward to file this writ petition.

3 Learned counsel for the petitioner would submit that since the benefit of the proceedings of the 1st respondent dated 14.12.2004 have been made applicable in respect of the employees similarly placed, in all fairness, the 3rd respondent should have extended the same benefit to the petitioner also and hence, prays for appropriate orders.

4 This Court heard the submission of Mr.R.Vijayakumar, learned Additional Government Pleader who accepts notice on behalf of the respondents 1 and 2 and Mr.T.K.Ashok Kumar, learned counsel who accepts notice on behalf of the 3rd respondent.

5 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the same, directs the 1st respondent to consider and dispose of the petitioner's representation dated 19.02.2015 on merits and in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6 The writ petition is disposed of accordingly. No costs.

-Sd/-

Assistant Registrar(cs-III)

//True copy//

Sub Assistant Registrar

AP

To

1. The Commissioner,
Milk Production and Dairy Development,
Madhavaram Milk Colony,
Aavin Illam, Chennai - 600 051.
2. The Secretary to Government,
Animal Husbandry, Dairing and
Fisheries Department, Fort St.George,
Chennai - 600 009.
3. The General Manager,
Dharmapuri District Co-operative
Milk Producers' Union,
Dharmapuri at Krishnagiri.

+1 cc to Mr.R.Muthukkannu, Advocate (sr.52829)
+1 cc to Mr.T.K.Ashok kumar, Advocate (sr.53200)
+1 cc to Government Pleader (sr.52964)

BVR (co)
cp 13/10/2015

W.P.No.30600/2015

सत्यमेव जयते

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