

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 20.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.24407 of 2016

C.Tamil Selvi

... Petitioner

-vs-

1.The District Collector,
Cuddalore District,
Cuddalore.

2.The Tahsildar,
Kurinjipadi Taluk,
Kurinjipadi, Cuddalore.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the first respondent to pass appropriate orders on the proposals of the second respondent issued in Na.Ka.No.A1/8398/2015 dated 26.09.2015 for payment of Encashment of Earned Leave and Private Affairs due to the petitioner who retired from service on 30.06.2014, within a reasonable period which may be fixed by this Court.

For Petitioner : Mr.T.Ranganathan

For Respondents : Mr.S.Gunasekaran
Additional Government Pleader

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the first respondent to consider the proposal of the second respondent dated 26.09.2015, with regard to payment of Encashment of Earned Leave and Private Affairs due to her, within a reasonable period which may be fixed by this Court.

2.It is the case of the petitioner that she was appointed as Junior Assistant in the Revenue Department on 10.02.1984. She was promoted as Assistant in the year 1997 and subsequently, promoted as Deputy Tahsildar in the year 2009. Her next promotion to the post of Tahsildar in the year 2012 has not

been considered by the first respondent in view of the charge memo issued under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules in his proceedings dated 28.05.2012. While so, she reached the age of superannuation on 30.06.2014 and she was permitted to retire from service as Deputy Tahsildar by the first respondent, pending finalization of the disciplinary proceedings initiated against her. According to the petitioner, the said proceedings was also completed on 01.04.2013. However, the General Provident Fund and Special Provident Fund alone were sanctioned to the petitioner. Hence, she made a representation dated 12.09.2015 to the first respondent through the second respondent for sanction of Encashment of Earned Leave / Private Affairs at her credit as on 30.06.2014. The second respondent has also sent a proposal dated 26.09.2015 to the first respondent to consider the same. Since the same was not considered so far, left with no other alternative, the petitioner has come up with the present writ petition.

3.I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

4.Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the first respondent to consider the proposal of the second respondent dated 26.09.2015, with regard to payment of Encashment of Earned Leave and Private Affairs due to the petitioner, who retired from service on 30.06.2014, and pass appropriate orders, on merits and in accordance with law, within a period of three weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the claim projected by the petitioner and it is for the first respondent to consider the claim of the petitioner strictly on merits and in accordance with law. The Writ Petition is disposed of accordingly. No costs.

सत्यमेव जयते

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

sri

To

1.The District Collector,
Cuddalore District,
Cuddalore.

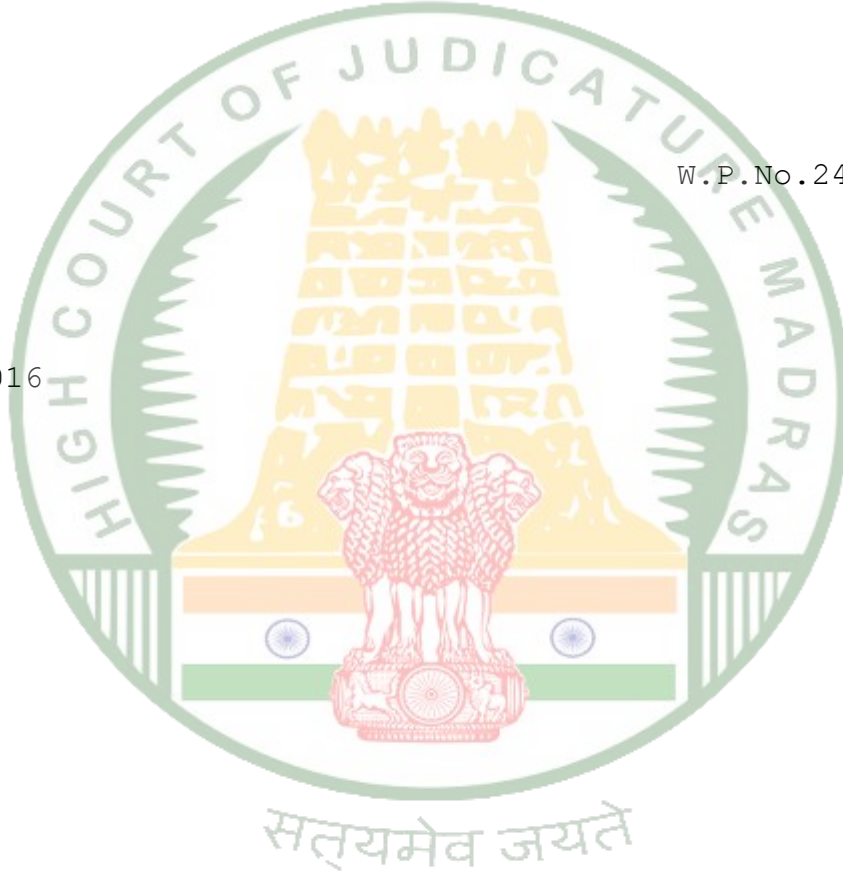
2.The Tahsildar,
Kurinjipadi Taluk,
Kurinjipadi, Cuddalore.

+1 cc to Mr.T.Ranganathan Advocate sr 53135

+1 cc to Government Pleader sr

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gj (co)
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