

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.35546 of 2016

A.P.Saduragiri

.. Petitioner

Vs

1 Tamil Nadu Electricity
Generation and Distribution Corporation Rep
by its Chief Engineer (Personnel) No.144
Anna Salai Chennai-600 002.

2 The Superintending Engineer
Tamil Nadu Electricity Generation and
Distribution Corporation Thiruvannamalai
Electricity Distribution Circle
Thiruvannamalai

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing Directing the Respondents to pay the balance 50% of the encashment of unearned leave on private affairs in accordance with the proceedings of the Respondent Board bearing No. (Per) CMD/ TANGEDCO Proceedings NO.52 SB dated 14.2.2014 along with interest at the rate of 12% per annum within the time frame stipulated by this Honourable Court.

For Petitioner : Mr.V.Kathirvelu

For Respondents : Mrs.R.Varalakshmi

ORDER

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

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents to pay the balance 50% of the encashment of unearned leave on private affairs in accordance with the proceedings of the Respondent Board bearing No. (Per) CMD/ TANGEDCO Proceedings No.52 SB dated 14.2.2014 along with interest at the rate of 12% per annum within the time frame stipulated by this Court.

3. It is the case of the petitioner that he was working as Junior Engineer Grade I, Vandavasi Division, Thiruvannamalai Electricity Distribution Circle and retired from service on 31.7.2000. Since his service register was not traced by the respondents, the petitioner was not paid with the encashment of unearned leave. In such circumstances, the Board issued Memo No.80586/A18/A182/14-3 dated 19.5.2015 to release 50% of the unearned leave money value by taking indemnity bond and pay the rest of the amount later, after tracing his service register. Based on the same, after obtaining the indemnity bond, the second respondent paid him a sum of Rs.23,469/- being the money value of unearned leave on 26.8.2015 and it was assured that the balance 50% would be paid on tracing the service register. However, till date, the said amount was not paid to him. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned counsel, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioner, this Court directs the petitioner to send a fresh representation along with a copy of this order to the second respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the second respondent is directed to consider the said representation seeking balance 50% of the encashment of unearned leave on private affairs and pass appropriate orders, on merits and in accordance with law and also in accordance with the proceedings of the Respondent Board bearing No. (Per) CMD/ TANGEDCO Proceedings No.52 SB dated 14.2.2014, within a period of four weeks thereafter. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

sbi

To

1 The Chief Engineer (Personnel)
Tamil Nadu Electricity
Generation and Distribution Corporation No.144
Anna Salai Chennai-600 002.

2 The Superintending Engineer
Tamil Nadu Electricity Generation and
Distribution Corporation Thiruvannamalai
Electricity Distribution Circle
Thiruvannamalai

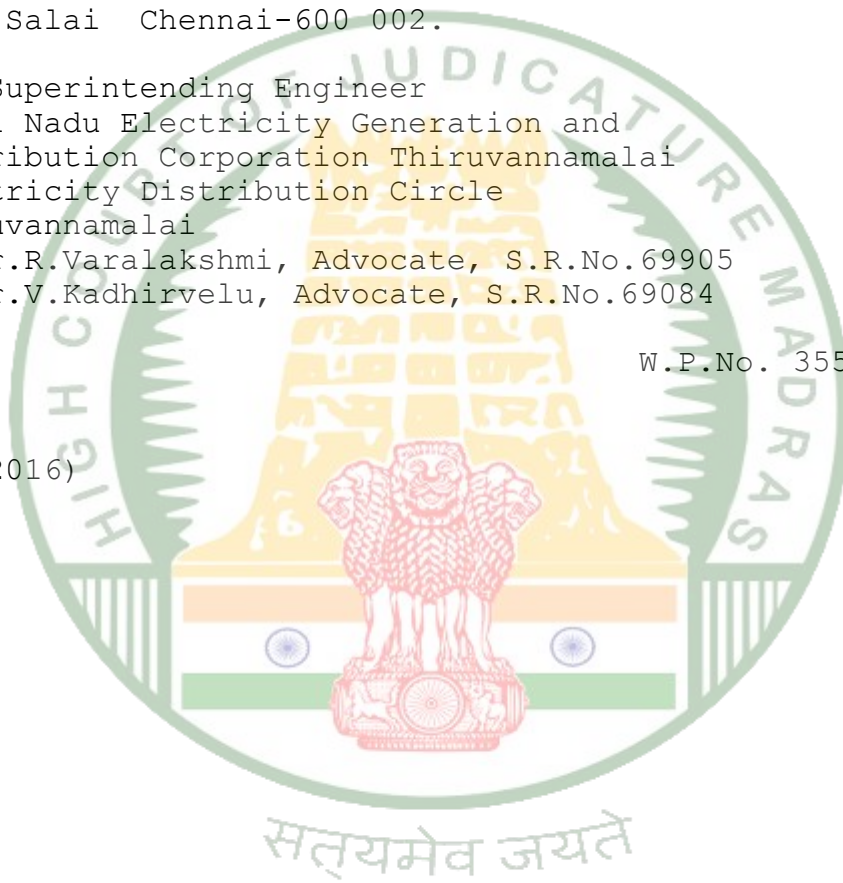
+1cc to Mr.R.Varalakshmi, Advocate, S.R.No.69905

+1cc to Mr.V.Kadhirvelu, Advocate, S.R.No.69084

W.P.No. 35546 of 2016

AK(CO)

MA(28/12/2016)



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