

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.31076 of 2017

V.Mathialagan
Superintending Engineer
Public Work Departments

Buildings Construction and
Maintenance Circle Medical Works,
Madurai - 625 002

.. Petitioner

-vs-

1. The Principal Secretary to
Government of Tamilnadu,
Higher Education Department,
Fort St. George, secretariat,
Chennai - 600 009

2. The Principal Secretary to Government
of Tamilnadu, Public Works Department,
Fort St. George, Secretariat,
Chennai- 600 009

3. The Chief Engineer
(General) Public Works Department,
Chepauk, Chennai - 600 005

4. The Executive Engineer,
Technical Education Division,
Public Works departments,
Chennai

5. The Registrar
Bharathiar University,
Coimbatore,
Coimbatore District
Tamilnadu - 641 046

.. Respondents

Prayer:Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing 5th respondent to disburse the earned and unearned

(medical certificate) leave salary from 01.01.2016 to 08.08.2016 to the petitioner within a stipulated time.

For Petitioner :: Mr.A.Thiyagarajan

For Respondents :: Mr.E.R.A.Premnath for R1 to R4

Government Advocate
Mr.V.Selvaraj for R5

O R D E R

With consent, the main writ petition itself is taken up for final disposal at the admission stage.

2. The petitioner, who was appointed as Superintending Engineer and posted at PWD Buildings (C&M) Circle, Medical Works, Madurai was transferred to Bharathiar University, Coimbatore as University Engineer (Executive Engineer Cadre) on deputation, as per G.O.(D) No.216 Public Work (A2) Department dated 06.08.2014. After joining Bharathiar University, Coimbatore on 01.09.2014 forenoon (under Foreign Service terms and conditions), the petitioner discharged his duty in the 5th respondent-University to the satisfaction of his superior till 31.12.2015, namely, one year and four months. Subsequently, he was relieved by the Bharathiar University, Coimbatore from the post of University Engineer (Executive Engineer Cadre) to the parent department as per order dated 31.12.2015 in proceedings no.Estt/E5/27355/2015. Therefore, petitioner has made a representation to the 5th respondent, Bharathiar University, Coimbatore on 06.03.2017 to disburse his leave salary from 01.01.2016 to 08.8.2016. While so, the Chief Engineer, Technical Education Circle, Chennai - 25 in his Letter No.1099/E1/2017 dated 30.05.2017 requested the Registrar, Bharathiar University, Coimbatore - 641 046 to disburse the leave salary to the petitioner, which was sanctioned in proceedings of the Commissioner of Technical Education, Chennai 25's Proc.No.K.Dis.65987/CW1/2016 dated 09.01.2017 and as per guidelines given in G.O.Ms.No.111, Personnel and Administrative Reforms (FR.II) Department dated 02.05.1994. But, till date, the same has not been considered and the petitioner also has not received his leave salary from the Registrar, Bharathiar University, even after his representation, Hence, the petitioner has come to this Court with the prayer mentioned supra.

3. Heard the learned counsel for the petitioner, learned Government Advocate for respondents 1 to 4 and learned counsel for 5th respondent.

4. Admittedly, the petitioner has submitted his representation dated 06.03.2017 to the Registrar, Bharathiyar University, Coimbatore, 5th respondent to disburse his leave salary from 01.01.2016 to 08.08.2016 and the Chief Engineer, Technical Education Circle, Chennai - 25 in his Letter No.1099/E1/2017 dated 30.05.2017 has also requested the Registrar, Bharathiar University, Coimbatore - 641 046 to disburse the leave salary, which was sanctioned in proceedings of the Commissioner of Technical Education, Chennai 25's Proc.No.K.Dis.65987/CW1/2016 dated 09.01.2017, as per guidelines given in G.O.Ms.No.111, Personnel and Administrative Reforms (FR.II) Department dated 02.05.1994.

5. That apart, the Registrar, Bharathiar University, Coimbatore, 5th respondent also in their proceedings dated 24.07.2017 has accepted the case of the petitioner for disbursement of leave salary for the aforesaid period, but, still it is not known why the petitioner has not been disbursed with the leave salary. Therefore, this Court, finds no impediment to direct the 5th respondent, namely, Registrar, Bharathiar University, Coimbatore to do the needful within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS V)

//True copy//

Sub Assistant Registrar

ssd

To

1. The Principal Secretary to
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Chennai - 600 009

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3. The Chief Engineer
(General) Public Works Department,
Chepauk, Chennai - 600 005

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Technical Education Division,
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5. The Registrar
Bharathiar University,
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Coimbatore District
Tamilnadu - 641 046

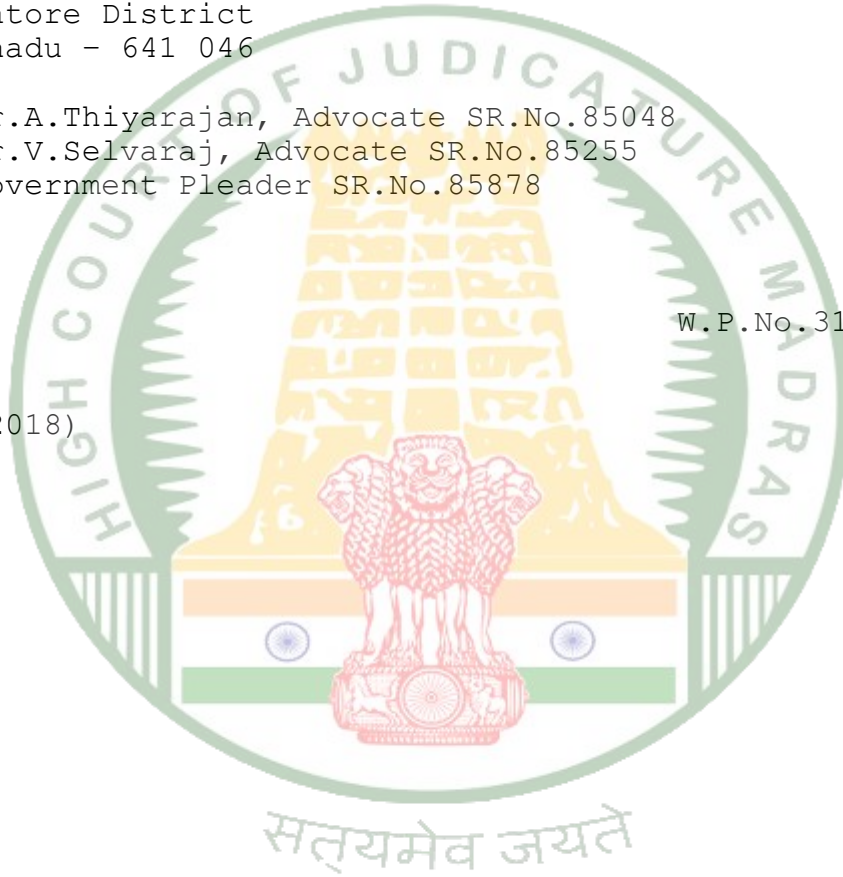
+1cc to Mr.A.Thiyarajan, Advocate SR.No.85048

+1cc to Mr.V.Selvaraj, Advocate SR.No.85255

+1cc to Government Pleader SR.No.85878

W.P.No.31076 of 2017

MR(CO)
GN(05/01/2018)



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