

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 26.10.2017

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P. NO. 27483 OF 2017

C.Kuppan

.. Petitioner

- Vs -

1. The Director of Handlooms & Textiles
Kuralagam II Floor
Chennai - 108.
2. The Assistant Director of Handlooms
& Textiles, The District Board Office
Officers' Line, Vellore 632 517.
3. The Managing Director
Poottuthakku Sri Murugan Handloom
Weavers Co-operative Society
(Via) Rathinagiri, Walajah Taluk
Vellore 632 517.
4. The President
Poottuthakku Sri Murugan Handloom
Weavers Co-operative Society
(Via) Rathinagiri, Walajah Taluk
Vellore 632 517.

.. Respondents

Writ Petition filed for the issuance of a writ of mandamus directing the respondent to consider the petitioner's representation dated 11.10.2017 for disbursement of 135 days earned and surrender leave salary for the petitioner's service from 1.4.1977 to 15.6.2006 on the 3rd respondent society.

For Petitioner : Mr. K.Harikrishnan

For Respondents: Mr. L.P.Shanmugasundaram, Spl.G.P.

ORDER

The petitioner, retired as Manager from the Co-operative Society under the control of the 2nd respondent on reaching the age of superannuation on 1.12.13 after having put in 38 years of service. Though the petitioner has retired long back and all the retiral benefits have been disbursed to the petitioner, however, till date, the earned leave and surrender leave salary for the period 1.4.77 to 15.6.06 has not been paid by the 3rd

respondent society, as during the said period, the petitioner was in employment under the 3rd respondent society. Even after repeated representations on 29.5.17 and 11.10.17, the earned leave salary and surrender leave salary for a period of 135 days has not been disbursed to the petitioner. Therefore, left with no other alternative, the petitioner has come before this Court for a direction to the respondent to disburse the earned leave salary and surrender leave salary for a period of 135 days.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondent.

3. In the above factual background, this Court is of the considered opinion that a direction to consider the representation for disbursement of the earned leave salary and surrender leave salary for a period of 135 days during the period from 1.4.77 to 15.6.06 would in no way cause any prejudice to the respondent.

4. In such view of the matter, the 3rd respondent is hereby directed to consider the representation submitted by the petitioner for disbursement of the earned leave salary and surrender leave salary for a period of 135 days during the period from 1.4.77 to 15.6.06 and pass orders thereon on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order, if the petitioner is otherwise found eligible for the said benefit.

5. This writ petition is disposed of with the aforesaid observation and direction. However, in the circumstances of the case, there shall be no order as to costs.

सत्यमेव जयते

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Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

GLN

To

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(Via) Rathinagiri, Walajah Taluk
Vellore 632 517.
- + 1 cc to Mr. L.P. Shanmugasundaram, Advocate Sr.75919
+ 1 cc to Mr. K. Harikrishnan, Advocate Sr.76031

W.P. NO.27483 OF 2017

PVS (CO)
EU (29/11/2017)

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