

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2017

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.35825 of 2015

Dr.R.Syed Raffic Ahmed

.. Petitioner

Vs

1.The Secretary & Correspondent,
Quaide Milleth College for Men,
Medavakkam, Chennai - 601 302.

2.Regional Joint Director,
Chennai Region,
Directorate of Collegiate Education,
Saidapet, Chennai - 15.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the first respondent to forthwith forward the final proposal in the matter of encashment of earned leave, encashment of leave on private affairs and also Principal pay fixation salary due to the petitioner for his service under the first respondent to the second respondent expeditiously and direct the respondents to pay to the petitioner the said amount within a time frame.

For petitioner : Mr.V.J.Arul Raj

For R1 : No Appearance

For R2 : Mr.K.Rajendraprasad, GA

O R D E R

By way of filing this writ petition, the petitioner seeks a direction to the first respondent to forward the final proposal in the matter of encashment of earned leave, encashment of leave on private affairs and also Principal pay fixation salary due to him for his services to the second respondent expeditiously, with a further direction to pay him the said amount within a stipulated time.

2. The claim of the petitioner is that he was initially appointed as Assistant Professor in the first respondent College on 26.01.1979 and thereafter, he was also promoted to the post of Principal with effect from 31.01.2013 and he served in the said post till his retirement on 31.01.2013. Again, after his retirement, he was re-appointed as Principal in the said College till 31.05.2013. Subsequently, on 16.06.2014, the first respondent had issued a certificate stating that there are no charges pending against him. After his retirement, it is the grievance of the petitioner that since the first respondent has failed to forward the proposal for encashment of earned leave, till date, the same was not considered by the second respondent, therefore, he sought for a direction to the respondents as stated supra.

3. Despite the completion of service, no one appeared for the first respondent.

4. Learned Government Advocate appearing for the second respondent, after taking note of the certificate dated 16.07.2014 issued by the first respondent stating that there are no charges pending against the petitioner, submitted that if the first respondent forwards the proposal for encashment of leave, the same would be considered in accordance with law.

5. It is not in dispute that the petitioner was reemployed by the first respondent as Principal till 31.05.2013 and thereafter, upon his retirement, the first respondent had also issued a certificate dated 16.07.2014 stating that there are no charges pending against him. For better appreciation, relevant portion of the said certificate is extracted below:

CERTIFICATE

"1. Certified that Dr.Syed Raffic Ahmed, Principal, The Quaide Milleth College for Men, Medavakkam, Chennai - 600 100, has retired from service on 31.01.2013 on superannuation. His date of birth is 24.01.1955.

2. Certified that No Provisional Pension was sanctioned and paid to him previously.

3. Certified that No Charges are pending against him as on date.

4. Certified that no dues are pending recovery from the retired individual."

6. In view of the above, the first respondent is directed to forward the final proposal in the matter of encashment of earned leave, encashment of leave on private

affairs and also his Principal pay fixation, to the second respondent, within a period of three weeks from the date of receipt of a copy of this order. On receiving such proposal, the second respondent is directed to consider the same and pass appropriate orders in accordance with law, within a period of four weeks thereafter.

7. With the above directions, the writ petition is disposed of. No Costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rkm

To

- 1.The Secretary & Correspondent,
Quaide Milleth College for Men,
Medavakkam, Chennai - 601 302.
- 2.Regional Joint Director,
Chennai Region,
Directorate of Collegiate Education,
Saidapet, Chennai - 15.

+2cc to Mr.Arulraj, Advocate, S.R.No.21210

W.P.No.35825 of 2015

VGII (CO)
RS (19/04/2017)

सत्यमेव जयते

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