

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 28.6.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.A.No.1137 of 2018
and
C.M.P.No.9120 of 2018

1. The Secretary to Government,
Animal Husbandry Dairying and Fisheries
Department, Fort St. George,
Chennai 600 009.
2. The Commissioner for Milk Production
and Dairy Development,
Madhavaram Milk Colony, Madhavaram,
Chennai 600 051.
3. The General Manager,
Dharmapuri District Cooperative Milk
Producers Union, Salem Bye Pass Road,
Krishnagiri 635 002.

Appellants

Versus

S.Manickavasagam

Respondent

Prayer: Writ Appeal filed filed under Clause 15 of the Letters Patent against the order dated 27.6.2017 passed in W.P.No.29781 of 2014 on the file of this court.

W.P.No.29781 of 2014

Writ Petition filed under Article 226 of the Constitution of India, issue a writ of certiorari filed Mandamus, to Call for the records of the 3rd Respondent leading to the issue of impugned letter Ref.No. 2274/Esst.1/06 dated 30.09.2014 and quash the same as it denies the due terminal benefit to the Petitioner and direct the 3rd respondent to disburse the amount of 90 days of Private Affairs Leave Encashment which the petitioner had earned during 30 years of loyal service under the 3rd Respondent together with interest at 18% per annum compounded cumulatively with effect from 01.11.2006 till the date of actual payment

For 1st appellant : Mr.P.S.Sivashanmugasundaram,
Special Government Pleader
For appellants 2 and 3 : Mr.T.K.Ashok Kumar
For respondent : M/s.N.Jayabharathi

JUDGMENT

(Judgment of the court was made by M.DHANDAPANI, J.)

The intra court appeal is filed by the respondents in the writ petition as against the order passed by the learned Single Judge in quashing the impugned proceedings and directing the third appellant to disburse the amount of 90 days of Private Affairs Leave Encashment to the writ petitioner.

2. Having heard the learned counsel appearing for the parties, we find that the learned Single Judge, on appreciating the material facts in the light of the proceedings dated 14.12.2004 issued by the Managing Director of the Tamil Nadu Co-operative Milk Producers' Federation, which is to effect that unearned leave on private affairs of 180 days, which shall be converted into 90 days of full pay, shall be allowed for encashment, allowed the writ petition and directed the third appellant to disburse amount.

3. We do not find any error in the order passed by the learned Single Judge. Accordingly, the writ appeal is dismissed. No costs. The connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrarsk.

To:

1. The Secretary to Government,
Animal Husbandry Dairying and Fisheries
Department, Fort St. George,
Chennai 600 009.

+1cc to Mr.N.Jayabharathi, Advocate, S.R.No.41268
+1cc to Mr.T.K.Ashok kumar, Advocate, S.R.No.41329
+1cc to the Government Pleader, S.R.No.42310

W.A.No.1137 of 2018

BS (CO)
GSP (31/07/2018)