



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.06.2018

CORAM:

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.11192 of 2018

R.Malaisamy

...Petitioner

Vs.

1) The District Backward Class Officer,
Pudukottai.

2) The Accountant General,
(Accounts and Settlement),
Chennai, Tamil Nadu.

3) The Additional Treasury Officer,
Pudukottai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd respondent to disburse the DCRG amount Provident fund amount and other amount due and payable to the petitioner within time frame that may be fixed by this Court.

For Petitioner : Mr.Shangar Murali

For RR 1 and 3 : Mr.K.Saravanan,
Government Advocate.

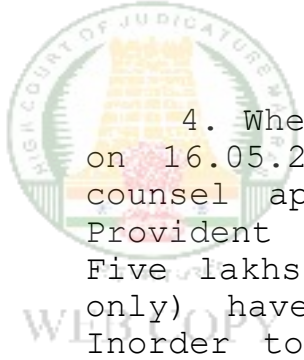
For R2 : Mr.P.Gunasekaran

O R D E R

The prayer sought for in this Writ Petition is for a Writ of Mandamus, directing the 3rd respondent to disburse the DCRG amount Provident fund amount and other amount due and payable to the petitioner within time frame that may be fixed by this Court.

2. Heard Mr.Shangar Murali, learned counsel appearing for the petitioner, Mr.K.Saravanan, learned Government Advocate appearing for 1st and 3rd respondents and Mr.P.Gunasekaran, learned standing counsel appearing for the second respondent.

3. The petitioner had approached this Court with the present Writ Petition with a grievance that, his DCRG amount, Provident Fund amount and other amount due, payable to him was not paid by the respondents.



4. When the Writ Petition came up for hearing before this Court on 16.05.2018, the learned Judge has recorded that the learned counsel appearing for the respondents confirmed that the DCRG, Provident Fund and other dues amounting to Rs.5,37,469/- (Rupees Five lakhs Thirty Seven Thousand and Four Hundred and Sixty Nine only) have already been paid to the petitioner on 14.05.2018. In order to verify the said payment, the learned counsel for the petitioner seems to have taken time and hence, the matter was posted today.

5. Today, the learned counsel appearing for the petitioner would submit that, no doubt, the said amount of Rs.5,37,469/- (Rupees Five lakhs Thirty Seven Thousand and Four Hundred and Sixty Nine only) has been paid to the petitioner which is equivalent to the DCRG amount and Provident Fund alone. However, he would submit that the Earned Leave salary payable to the petitioner has not so far been paid. Therefore, if that amount is directed to be paid, then the petitioner would be satisfied.

6. In this regard, the learned counsel appearing for the respondents would submit that, insofar as the claim made by the petitioner on his retirement and other benefits, everything has been paid. However, if at all the petitioner still has any grievance to refer with regard to non-payment of any dues, in particular, Earned Leave salary, it is for the petitioner to make an application, as to how he will be entitled to get the Earned Leave salary and if so, what shall be the amount payable. Certainly, such request shall be considered and if it is found that any Earned Leave salary is due to the petitioner, the same shall be paid to him.

7. In view of the said submissions made by both sides, by recording the aforesaid submission which has been recorded by this Court in the earlier order dated 16.05.2018, this Writ Petition is disposed of with the following directions:

" that the petitioner shall make a request giving a calculation about the due of Earned Leave salary payable to him by the respondents, within a period of one week from the date of receipt of a copy of this order and on receipt of such request from the petitioner, the same shall be considered by the respondents and after calculating the Earned Leave salary, if any payable, the same shall be calculated and paid to him within a period of four weeks thereafter." However, there shall be no order as to costs.

Sd/-
Assistant Registrar (CS-III)

/True copy/



To

1) The District Backward Class Officer,
Pudukottai.

2) The Accountant General,
(Accounts and Settlement),
Chennai, Tamil Nadu.

3) The Additional Treasury Officer,
Pudukottai.

+1cc to Mr.P.Gunasekaran, Advocate, SR.No.66732.

+1cc to Special Government Pleader, SR.No.66790.

+1cc to Mr.Shangar Murali, Advocate, SR.No. 66584.

Order in
W.P. (MD) No.11192 of 2018

sts

RAM/SB/SAR 3/27.06.2018/2P/7C