

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :25.10.2019
CORAM
THE HON'BLE MR.JUSTICE M.DHANDAPANI
W.P.No.30528 of 2019

Tony Augustin

.. Petitioner

Vs.

1.The Joint Director of Collegiate Education,
Chennai Region, Chennai.

2.The Secretary,
Women's Christian College,
Nungambakkam, Chennai.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to disburse the sanctioned earned leave encashment amount on the basis of the proceedings in M.M.No.6525/B2/2018 dated 28.03.2019 issued by the 1st respondent.

For Petitioner : Mr.R.Subramanian
For R1 : Mr.V.Kadhirvelu
Special Government Pleader
For R2 : Mr.P.Godson Swaminath
for Issac Chambers

ORDER

This Writ Petition is filed for a Writ of Mandamus, directing the 1st respondent to disburse the sanctioned earned leave encashment amount on the basis of the proceedings in M.M.No.6525/B2/2018 dated 28.03.2019 issued by the 1st respondent.

2. By consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that he was appointed as Lab Assistant on 01.07.1980 by the second respondent and he was given Selection Grade on 01.07.1990 for completion of 10 years. Then he was promoted as Junior Assistant on 01.07.1998 and he was further promoted as an Assistant on 01.07.2011. At present, he was working as an Assistant with basic pay of Rs.16,510/- + grade pay of Rs.4,200/- in the scale of pay Rs.9300-34800+ Grade Pay of Rs.4,200/-. Thereafter he retired on 30.09.2018 and at the time of retirement, he was getting basic pay of Rs.16,510/-

+ Grade Pay of Rs.4,200/-. Now he was getting pension amount as determined by the second respondent. He has not been paid the salary for the earned leave for 238 days while he was in service and for which the second respondent sent the proposal to the first respondent on 24.09.2018. The first respondent approved the proposal sent by the second respondent by issuing proceedings bearing M.M.No.6525/B2/2018 dated 28.03.2019. Thereafter the second respondent addressed a letter on 04.04.2019 enclosing the work sheet containing the particulars of earned leave encashment and leave on private affairs encashment amounting to Rs.7,79,382/-. But the said amount was not paid. Therefore the petitioner made a representation on 19.07.2019 to the first respondent and however, till date the same was not considered by the first respondent. Hence, the petitioner has come out with the present Writ Petition.

4. The learned counsel for the petitioner would submit that it would be suffice to issue direction to the first respondent to consider the representation sent by the petitioner dated 19.07.2019 and pass orders on the same.

5. Considering the facts and circumstances of the case and the limited request made by the learned counsel for the petitioner, this Court hereby directs the first respondent to consider the representation sent by the petitioner dated 19.07.2019 and pass orders on the same on merits and in accordance with law within a period of four weeks from the date of receipt of copy of this order.

6. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

krk

To

1.The Joint Director of Collegiate Education,
Chennai Region, Chennai.

2.The Secretary,
Women's Christian College,
Nungambakkam, Chennai.

+1cc to Mr.R.Subramanian, Advocate sr.89765

+1cc to Mr.P.Godson Swaminath, Advocate sr.89463

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nr 20/12/2019



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