

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 18.12.2019
CORAM
THE HON'BLE MR.JUSTICE N.ANAND VENKATESH
W.P.No.35000 of 2019

C.Chandrasekaran

... Petitioner

Vs.

1.The Secretary to Government,
Rural Development Department,
Secretariat, Chennai 600 009.

2.The Director of Rural Development &
Panchayatraj Department,
Panagal Building, Saidapet,
Chennai 600 015.

3.The District Collector,
Namakkal District,
Namakkal.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to sanction earned leave and unearned leave to his credit in accordance with fundamental rule viz., 86 (a) (i) (ii) (iii) and Special Provident Fund to the petitioner.

For Petitioner : Mr.V.Suthakar

For Respondents : Mr.V.Prabhu
Government Advocate

O R D E R

Mr.V.Prabhu, learned Government Advocate takes notice for respondents. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2.This writ petition has been filed for issuance of Writ of Mandamus directing the respondents to sanction earned leave and unearned leave and to pay the appropriate monetary benefits to the petitioner.

3.The case of the petitioner is that he was working as Block Development Officer (Retd), Puduchatram Block and he attained the age of superannuation on 28.02.2018. However, the petitioner was not allowed to retire from service on the ground of disciplinary proceedings pending against him. According to the petitioner, he is entitled for sanction of Earned leave and Unearned leave to his credit as per the Fundamental Rules. The petitioner is relying upon the judgments of this Court in W.P. (MD) No.7761 of 2018 and W.A.(MD).No.105 of 2019 to strengthen his claim. The petitioner has made a representation to the third respondent on 17.10.2019, seeking for the benefits and it is seen from records that the third respondent has forwarded the claim made by the petitioner to the second respondent. Since there is no action on the part of the second respondent, the present Writ Petition has been filed before this Court.

4. Heard the learned counsel on either side and perused the materials available on record.

5. Taking into consideration the facts and circumstances of the case and the limited relief that has been sought for in this Writ Petition, there shall be a direction to the second respondent to consider the representation dated 17.10.2019, made by the petitioner and pass appropriate orders strictly in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. The petitioner is directed to give a fresh representation to the third respondent along with a copy of the representation dated 17.10.2019 and a copy of the letter forwarded by the third respondent to the second respondent and a copy of this order.

6.The Writ Petition is disposed of with the above directions. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

rm

To

1.The Secretary to Government,
Rural Development Department,
Secretariat, Chennai 600 009.

2.The Director of Rural Development &
Panchayatraj Department,
Panagal Building, Saidapet,
Chennai 600 015.

3.The District Collector,
Namakkal District,
Namakkal.

+1cc to M/s.V.Suthakar, Advocate, S.R.No.105260

+1cc to M/s.Government Pleader SR.NO. 106215

W.P.No.35000 of 2019

aa03/02/2020