



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.[MD]No.7774 of 2016

and

W.M.P.(MD)No.6434 of 2016

S.Ponnusamy

: Petitioner

Vs.

1.The Registrar of Co-operative Societies,
No.170, E.V.R.High Road,
Kilpauk,
Chennai-600 010.

2.The Joint Registrar of Co-operative Societies,
Collectorate Complex,
Ramanathapuram.

3.The Managing Director,
A.215/1548, Ramanathapuram Co-operative
Urban Bank Ltd., 68, Salai Street,
Ramanathapuram-623 501.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the third respondent to pay earned leave eligible to the petitioner at the rate of 238 days salary and pass such further or other orders as this Court may deem fit and proper in the circumstances of the case.

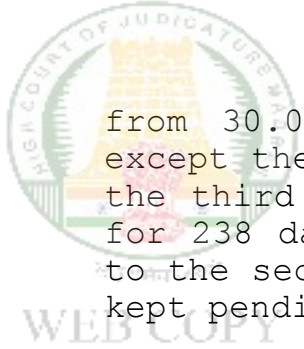
For Petitioner : Mr.V.O.S.Kalaiselvam
For Respondents 1&2 : Mr.C.M.Mari Chellaiah Prabhu,
Additional Government Pleader
For Respondent No.3 : Mr.D.Shanmugaraja Sethupathi

O R D E R

The prayer in the Writ Petition is to direct the third respondent to pay earned leave eligible to the petitioner at the rate of 238 days salary.

2. Heard the submissions made by the learned counsel appearing on either side.

3. According to the learned counsel for the petitioner, the petitioner joined the service of the third respondent bank on 26.11.1984 and he was allowed to retire from service with effect



from 30.09.2015. After retirement, gratuity and provident funds except the earned leave eligible, were settled to the petitioner by the third respondent. Thus, seeking payment of earned leave salary for 238 days, the petitioner sent representations dated 01.04.2016 to the second and third respondents respectively, but, the same are kept pending so far without any order being passed.

4. In this regard, inviting the attention of this Court to the judgment reported in **AIR 2013 SC 3383 [State of Jharkhand v. Jitendra Kumar Srivastava]**, wherein the Hon'ble Apex Court has taken a stand that under Article 300-A, persons not to be deprived of property save by authority of law being it pension or gratuity or even leave encashment, the learned counsel prays for appropriate directions.

5. The learned Additional Government Pleader appearing for the first and second respondents and the learned counsel appearing for the third respondent submit that the representations of the petitioner would be considered on merits, within the time stipulated by this Court.

6. Considering the facts and circumstances of the case and having heard the submissions made on either side and also considered the judgment referred to above, this Court, without going into the merits of the case, directs the second and third respondents to consider the petitioner's representations dated 01.04.2016 respectively, and pass appropriate orders on merits and in accordance with law, after due opportunity of hearing to the petitioner. While doing so, they shall also take into account the judgment reported in **AIR 2013 SC 3383 [State of Jharkhand v. Jitendra Kumar Srivastava]**. Such an exercise shall be completed, within a period of eight weeks from the date of receipt of a copy of this order.

7. The Writ Petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar (CS)

SML

To

1. The Registrar of Co-operative Societies,
No.170, E.V.R.High Road,
Kilpauk,
Chennai-600 010.



2.The Joint Registrar of Co-operative Societies,
Collectorate Complex,
Ramanathapuram.

+1CC TO MR.D.SHANMUGARAJA SETHUPATHI, Advocate Sr. No.56627
+1CC TO MR.V.O.S.KALAISELVAM, Advocate Sr. No.56784
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.57100

Order made in
W.P. [MD]No.7774 of 2016
Dated: 26.03.2019

TR (27.04.2019) 3P 6C