



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

W.P. (MD) No.19311 of 2013

and

M.P. (MD) No.1 of 2013

K.Ephram

... Petitioner

Vs

The District Educational Officer,
Thoothukudi,
Thoothukudi District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of recovery in Na.Ka.No.3276/A1/2013, dated 13.09.2013 on the file of the respondent and quash the same as illegal and consequently to direct the respondent to rectify the errors in the petitioner's service register the date from which the petitioner is permitted to surrender earned leave, without demanding for recovery of the payment for surrender of 30 days of earned leave, within the time stipulated by this Court.

For Petitioners : Mr.T.Lajapathi Roy

For Respondent : Mrs.S.Srimathy,
Special Government Pleader

ORDER

The grievances of the writ petitioner is that the benefit of encashment of leave was erroneously calculated by the Competent Authority and no opportunity was provided to the writ petitioner.

2.The learned counsel for the writ petitioner further states that encashment of leave is to be calculated in accordance with the Rules in force. In view of the fact that no opportunity was provided to the writ petitioner, he was unable to submit his explanations in respect of the calculations made by the respondents.

3.It is not in dispute that the calculations are to be made and the amount are to be settled in accordance with the Rules. The learned counsel for the petitioner also admits that there is no dispute in respect of the settlement. However, the same is to be done strictly in accordance with the Rules. Thus, the present case



on hand is a fit case for remission.

4. Accordingly, the impugned order passed by the respondent in proceedings Na.Ka.No.3276/A1/2013, dated 13.09.2013, is quashed and the matter is remanded back to the respondent for issuing show cause notice and decide the matter. Accordingly, the respondent is directed to issue show cause notice to the writ petitioner setting out the facts and details within a period of four weeks from the date of receipt of a copy of this order and on receipt of the show cause notice, the writ petitioner is directed to submit his explanations within a period of three weeks from the date of receipt of a copy of the show cause notice. Thereafter, the respondent is directed to consider the merits of the case and the materials available on record and pass order within a period of six weeks therefrom.

5. Accordingly, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

pnn

To

The District Educational Officer,
Thoothukudi,
Thoothukudi District.

+1CC TO MR.T.LAJAPATHI ROY, Advocate Sr. No.58959
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 68580

W.P. (MD) No.19311 of 2013
and
M.P. (MD) No.1 of 2013
12.06.2019

NR (CO)
TR (28.06.2019) 2P 4C