

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.33377 OF 2010

ORDER

This writ petition is filed seeking the following relief:

“...to issue a writ, order or directions more in the nature of Writ of Mandamus directing the respondents herein to pay balance earned leave amount of petitioner's out of employment period by counting the continuity of service granted by Honble Labour Court in I.D.No.23/1989, dt 15-2-1990 i.e., from the date of suspension to date of reinstatement (28-3-1984 to May, 1990 and also accumulated EL days as per the Notification No.PD 14/2007, dt 17-8-2007 with all calculation particulars with 18% interest from the date of retirement to till the payment and pass such other order or orders in the interest of justice as otherwise the petitioner may suffer irreparable loss and hardship.”

Heard Sri P.Govindarajulu, learned counsel appearing for the petitioner and Sri A.Ravi Babu, learned Standing Counsel appearing for the respondent-Corporation.

It is the case of the petitioner that initially, he was appointed as Conductor on 17.12.1980 in the respondent-Corporation and while working as such, he was removed from service on 6-9-1984. Challenging the said removal order, he preferred I.D.No.23 of 1989 before the Labour Court, Godavarikhani. The Labour Court *vide* order dated 15.02.1990 had allowed the said I.D. In pursuance of the order passed by

the Labour Court, the petitioner was reinstated into service on 26.06.1990 and thereafter, he retired from service on attaining the age of superannuation on 31.6.2008.

The grievance of the petitioner is that earlier the Rules contemplated that an employee is entitled to 240 days encashment of earned leave and thereafter, the said leave encashment was enhanced to 300 days *vide* notification dated 17.8.2007. But, the respondent-Corporation is not extending the said benefit to him.

Learned counsel appearing for the petitioner submitted that the said notification dated 17.8.2007 was issued when the petitioner was in service and that he is entitled for 300 days of earned leave encashment. But, the respondents are not extending the said benefit to the petitioner. It is submitted that similar issue fell for consideration before this Court in W.P.No.23200 of 2010 and this Court allowed the said writ petition *vide* order dated 20.09.2010, holding that the petitioner therein was entitled for 300 days of earned leave encashment in terms of notification dated 17.08.2007. It is prayed that since the petitioner is also similarly situated person, the respondents be directed to extend the benefit of earned leave encashment of 300 days to him in terms of notification dated 17.8.2007.

Learned Standing Counsel appearing for the respondents contended that so far the respondents have not adjudicated the case of the petitioner and if the petitioner submits a representation, the respondents would consider and pass appropriate orders thereon, in accordance with law.

Having considered the rival submissions made by the learned counsel on either side, this writ petition can be disposed of directing the petitioner to submit a representation within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the respondents shall consider the same by duly taking into account the order passed in W.P.No.23200 of 2010, dated 20-09-2010, and pass appropriate orders within a period of eight weeks thereafter.

Accordingly, the writ petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

12th September, 2019
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