

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.16222 of 2019

ORDER:

This writ petition is being disposed of at the admission stage with the consent of both the parties.

2. The writ petition is filed with the following prayer:

"... the Hon'ble Court may be pleased to issue writ order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 1st respondent in not sanctioning and releasing Earned Leave Encashment to the petitioner though he retired on 31-03-2019 in terms of Government instructions G.O.Rt.No.1097 dated 22.06.2000 on par with others as illegal arbitrary unjust discriminatory unreasonable and contrary to Art 14 of the Constitution of India and consequently direct the 1st respondent to sanction and release the Earned Leave Encashment to the petitioner in terms of Government instructions issued in G.O.Rt.No.1097 dated 22.06.2000 on par with others together with 18 Percent interest thereon duly considering the representation dated 18.04.2019 in the interest of justice and pass such other order or orders ..."

3. Heard Mr. D. Ramakrishna, learned counsel for the petitioner and learned Government Pleader for Services I.

4. Petitioner contends that he has retired from service on 31.03.2019 while working with the respondents. The grievance of the petitioner is that the respondents have not paid the terminal benefits on the ground that ACB case is pending against him. The petitioner has submitted a representation to the first respondent on 18.04.2019 and second respondent on 28.04.2019 requesting the respondents to release the terminal benefits in terms of G.O.Rt.No.1097 dated 22.06.2000. But so far the respondents have not passed any orders on the said representation nor released the terminal benefits.

5. Therefore, the counsel for the petitioner would submit that appropriate orders be passed in the writ petition directing the

respondents to consider the representations submitted by the petitioner on 18.04.2019 and 28.04.2019 and pass appropriate orders in accordance with law.

6. Learned Government Pleader appearing for the respondents would submit that the case of the petitioner would be considered in terms of G.O.Rt.No.1097 dated 22.06.2000 and appropriate orders would be passed in accordance with law.

7. This Court, having considered the rival submissions made by both parties, is of the view that the writ petition can be disposed of directing the respondents to consider the representations submitted by the petitioner on 18.04.2019 and 28.04.2019 and pass appropriate orders in accordance with G.O.Rt.No.1097 dated 22.06.2000 within a period of eight (8) weeks from the date of receipt of a copy of this order.

With the above directions, the writ petition is disposed of. Pending miscellaneous petitions shall stand closed. There shall be no order as to costs.

August 20, 2019
DSK

ABHINAND KUMAR SHAVILI, J