

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.5599 of 2002

ORDER:

This writ petition is filed seeking a Writ of Mandamus, declaring the action of respondents in withholding the encashment payments for 173 days of earned leave to the credit of the petitioner, as arbitrary, illegal, contrary to law and violative of Articles 14 and 21 of the Constitution of India.

Heard Sri A.K.Jayaprakash Rao, counsel for petitioner and Sri E.Ajay Reddy, Standing Counsel for respondents.

It has been contended by the petitioner that he was initially appointed as Officer Trainee during December 1974 and his services were regularized in December 1975. The petitioner further submits that he was illegally removed from service vide orders dated 15.04.1999. The grievance of the petitioner is that he was not paid the amount in respect of earned leave to an extent of 173 days and he had submitted a representation requesting the respondents to pay earned leave for 173 days lying in the leave account of the petitioner. Therefore, counsel for petitioner submits that appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner for grant of earned leave as per his entitlement.

The Standing Counsel appearing for respondents has contended that if petitioner submits a representation, the respondents would consider the same and pass appropriate orders in accordance with law.

This Court, having considered the rival submissions of the parties, is of the considered view that this writ petition can be disposed of directing the petitioner to submit a fresh representation seeking earned leave amount in accordance with Rules within a period of two weeks from the date of receipt of a copy of this order, and upon such representation being received, the respondents shall consider the same and pass appropriate orders in accordance with law in another Eight weeks thereafter.

With these observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

19th September 2019

ajr