

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.16913 OF 2020

ORDER :

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

Heard Sri P.Laxma Reddy, learned counsel for the petitioner and the learned Government Pleader for services I.

This writ petition is filed seeking the following relief :-

“.....Writ of Mandamus declaring the impugned action of the 3rd respondent is not granting the encashment of earned leave/half pay leave after retirement as illegal, arbitrary, discriminatory, unjust and against G.O.Rt.No.1097 Finance and Planning (FW-Pen.I) Department dated 22.06.2000, the law laid down by the Hon'ble Courts and in violation of Articles 14, 16 and 21 of the Constitution of India and hold that petitioner is entitled to get the grant of encashment of earned leave/half pay leave and pass such other order or orders.....”

It has been contended by the petitioner that he has been working as Gazetted Head Master Grade-II and for certain period he was also given Additional charge of MEO. While he was discharging the duties of MEO, Anti Corruption Bureau (ACB) registered a case in Crime No.11/RCT-NZB/2014 dated 25.05.2014 and the said case is still pending. Petitioner has further contended that he has retired from service on attaining the age of superannuation on 31.10.2016. Thereafter, the respondents granted provisional pension to him till conclusion of disciplinary proceedings. The grievance of the petitioner is that he is also entitled of encashment of earned leave in terms of G.O.Ms.No.1097 dt.22.06.2000. But as the respondents are not allowing for encashment of earned leave, he had submitted a

representation dated 12.02.2019 requesting the respondents to permit him to encash the earned leave in terms of G.O.Rt.No.1097 dt.22.06.2000. But so far, the respondents have not passed any orders on the said representation.

Therefore, learned counsel for the petitioner contends that appropriate orders be passed in the writ petition directing the respondents to consider the representation submitted by the petitioner on 12.02.2019 strictly in terms of G.O.Ms.No.1097 dt.22.06.2000 and pass appropriate orders in accordance with Rules.

Learned Government Pleader had contended that since the representation submitted by the petitioner is pending with the respondents, the respondents would consider the same and appropriate orders will be passed within reasonable period in accordance with Rules.

This Court, having considered the rival submissions, is of the considered view that this writ petition can be disposed of directing the respondents to consider the representation submitted by the petitioner on 12.02.2019 in terms of G.O.Rt.No.1097 dt.22.06.2000 and pass appropriate orders within a reasonable period preferably within six (06) weeks from the date of receipt of a copy of this order.

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

As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

ABHINAND KUMAR SHAVILI,J

Date: 30.09.2020
dv

