

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2021

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.2174 of 2021

G.Mani

... Petitioner

vs.

1. The Principal Secretary to Government cum
Agricultural Production Commissioner,
Government of Tamil Nadu,
Fort St. George,
Chennai 600 009.
 2. The Chief Engineer,
Agricultural Engineering Department,
No.482, Anna Salai,
Nandanam, Chennai 600 035.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents to sanction Encashment of Leave, Unearned Leave on Private Affairs and Special Provident Fund dues payable to the Petitioner along with interest in the light of the law laid down by this Court in W.A.(MD) No.105/2019, dated 31.07.2019.

For Petitioner : Mr.V.Vijay Shankar

For Respondents : Mr.P.V.Selvakumar,
Additional Government Pleader

ORDER

Petitioner has come up with this Writ Petition seeking a direction to the Respondents to sanction Encashment of Leave, Unearned Leave on Private Affairs and Special Provident Fund dues payable to the Petitioner along with interest in the light of the law laid down by this Court in W.A.(MD) No.105/2019 vide order dated 31.07.2019.

2. According to the Petitioner, he joined the services of the Respondent Department as Assistant Engineer on 30.08.1980 and was later promoted as Executive Engineer in 2008. He was

placed under suspension on 30.06.2015 along with other officials. It is the case of the Petitioner that the allegations against him are thoroughly baseless, as he has no role to play in the implementation of the Agricultural Mechanisation Scheme.

3. Learned counsel for the Petitioner pointed out that, similarly placed persons approached this Court in W.P.No.810 of 2020 and this Court, by an order dated 13.01.2020, disposed of the said Writ Petition, by holding as under:

"5. Taking into consideration the facts and circumstances of the case and also of the fact that, the Petitioner is entitled for settlement of his Leave Encashment and Special Provident Fund in accordance with the judgment of the Division Bench of this Court in the case of Secretary to Government, Revenue Department, Secretariat, Chennai and others vs. K.Palaniyandi reported in 2019 (5) CTC 19, there shall be a direction to the 2nd Respondent to pass appropriate orders based on the representation made by the Petitioner on 05.09.2019 and settle the entire Leave Encashment and Special Provident Fund to the Petitioner in line with the judgment in the case of Secretary to Government, Revenue Department, Secretariat, Chennai and others vs. K.Palaniyandi reported in 2019 (5) CTC 19, within a period of six weeks from the date of receipt of a copy of this order. The Petitioner is directed to make a fresh representation to the 2nd Respondent along with a copy of the representation dated 05.09.2019 and a copy of this order. A copy of this representation shall be marked to the 1st Respondent also."

4. It is pleaded by the learned counsel for the Petitioner that, the Petitioner herein also may be granted similar relief, as granted in the above Writ Petition.

5. In view of the foregoing, this Court directs the Petitioner herein to make a fresh representation to the Respondents along with a copy of this order within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, Respondents are directed to consider the same and pass appropriate orders and settle the entire Leave Encashment and Special Provident Fund to the Petitioner in line with the judgment rendered by this Court in the case of Secretary to Government, Revenue Department,

Secretariat, Chennai and others vs. K.Palaniyandi reported in 2019 (5) CTC 19, within a period of eight weeks, thereafter.

With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

1. The Principal Secretary to Government cum Agricultural Production Commissioner, Government of Tamil Nadu, Fort St. George, Chennai 600 009.
2. The Chief Engineer, Agricultural Engineering Department, No.482, Anna Salai, Nandanam, Chennai 600 035.

+1cc to the Government Pleader SR.6298

W.P.No.2174 of 2021

RSV(CO)
CB(01/03/2021)

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