



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2021

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P (MD)No.17361 of 2021

Dr.M.Ramesh alias Ramesh Mahadev

... Petitioner

Vs.

1.The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Government of Tamil Nadu,
119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai-600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Thanjavur-613 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents herein to settle petitioner's terminal saving encashment benefits due to the petitioner like gratuity and pensionary benefits under the Pension Scheme, encashment of his 123 days Earned Leave Savings and encashment of 90 days of Unearned Leave Savings on Private Affairs, on the basis of his last drawn salary on the date of his resignation, along with accrued interest thereon within a time frame.

For Petitioner : Mr.Dr.Ramesh Mahadev
(Party in Person)

For Respondents : Mr.S.Shanmugavel,
Standing Counsel for State.



ORDER

This Writ Petition has been filed, seeking for issuance of a Writ of Mandamus, directing the respondents herein to settle petitioner's terminal saving encashment benefits due to the petitioner like Gratuity and Pensionary benefits under the Pension Scheme, encashment of his 123 days Earned Leave Savings and encashment of 90 days of Unearned Leave Savings on Private Affairs, on the basis of his last drawn salary on the date of his resignation, along with accrued interest thereon within a time frame as stipulated by this Court.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Heard the learned counsel appearing for the petitioner and the learned Standing counsel appearing for the respondents and perused the entire records.

4. According to the petitioner, he was appointed as Assistant Commissioner in Hindu Religious and Charitable Endowments Department and having worked for 5 ½ years of service, he tendered resignation and made a representation dated 24.09.2020, praying for encashment of his earned leave savings and unearned leave savings. But, by proceedings dated 04.11.2020, the petitioner was informed that encashment cannot be processed in respect of persons who resigns from service. The petitioner has also made a representation dated 24.06.2021 to the respondents and since no action is forthcoming, the petitioner has come forward with the present Writ Petition.

5. The learned counsel appearing for the petitioner would submit that though the petitioner had resigned from service, he is entitled to the terminal saving encashment benefits, i.e. 123 days of earned leave savings and 90 days of unearned leave savings on private affairs, etc., and despite a representation has been made on 24.06.2021, there was no response from the respondents.

6. The learned Standing Counsel appearing for the respondents would submit that the representation of the petitioner dated 24.06.2021 will be considered by the respondents if it is otherwise in order and the petitioner is found eligible for the benefits as claimed by him, his claim would be considered.

7. In view of the submissions made by learned counsel for both the parties, and considering the limited scope of prayer as sought for by the petitioner, without expressing any opinion on merits, this Court directs the respondents to consider the petitioner's representation dated 24.06.2021 and pass orders in accordance with law and on merits within a period of twelve weeks from the date of receipt of a copy of this order.



8. With the above direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS I)

WEB COPY // True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Commissioner,
Hindu Religious and Charitable
Endowment Department,
Government of Tamil Nadu,
119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai-600 034.

2.The Joint Commissioner,
Hindu Religious and Charitable
Endowment Department,
Thanjavur-613 001.

+1 CC to M/s.SPL.GP (SR-30341[F] dated 27/09/2021)

W.P (MD) No.17361 of 2021
24.09.2021

MGJ(08.10.2021) 3P 4C