



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P. (MD)No.10310 of 2016

Dr.S.Kumaresan

... Petitioner

versus

1. The Principal Accountant General (A&E)
Office of the Principal Accountant
General (A&E),
361, Anna Salai, Chennai - 18.
2. The District Treasury Officer,
Virudhunagar District,
Virudhunagar Town.
3. The Sub-Treasury Officer,
Rajapalayam Town,
Virudhunagar District.
4. The Chief Civil Surgeon,
Office of the Medical Officer,
Government Hospital, Rajapalayam Town,
Virudhunagar District.

...Respondents

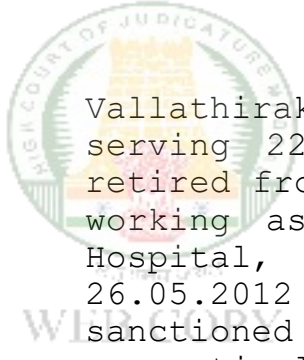
Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, to direct the respondents 1 to 3 to pay the leave salary for the unearned leave of two spells of 60 days with interest at the rate of 12% p.a. from May 2013 onwards to the petitioner herein.

For Petitioner : Mr.M.Thirunavukkarasu
For Respondents: Mr.P.Gunasekaran for R1
Mr.K.P.Narayanakumar
Special Government Pleader for R2 to R4

ORDER

This writ petition has been filed seeking for the issuance of Writ of Mandamus, to direct the respondents 1 to 3 to pay the leave salary for the unearned leave of two spells of 60 days with interest at the rate of 12% p.a. from May 2013 onwards to the petitioner herein.

2. The case of the petitioner is that he is a Doctor with post graduate in M.D. (Child Health). Originally, after completing M.B.B.S., he joined in Indian Army as Captain on 09.11.1983 and he retired as Major on 06.01.89. Thereafter, he was appointed Assistant Surgeon in Government Primary Health Centre,



Vallathirakottai at Pudukottai District on 26.06.1991. After serving 22 years as Doctor in various Government Hospitals, he retired from service on 31.05.2013 on superannuation. While he was working as Chief Civil Surgeon in the 4th respondent Government Hospital, his unearned leave in two spells from 17.04.2012 to 26.05.2012 (40 days) and from 06.06.2012 to 25.06.2012 (20 days) was sanctioned by proceedings dated 09.03.2013 and 15.05.2013 respectively. However, his salary for the said period was not paid. Though the petitioner requested to disburse his salary for the said period, the benefits were not granted. Hence, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner submitted that though the unearned leave was sanctioned by proceedings dated 09.03.2013 and 15.05.2013 for the respective period, payment was not made for the said period. Hence, he prayed for allowing the writ petition.

4. The learned counsel appearing for the first respondent submitted that the first respondent sent a letter dated 15.07.2020, to the Treasury Officer, District Treasury, Virudhunagar, authorizing him to pay allowance for the month of May 2012 and June 2012.

5. In view of authorization given by the first respondent in his letter dated 15.07.2020 to the Treasury Officer to pay the allowance, this Court directs the respondents to implement the same, within a period of twelve weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1. The District Treasury Officer,
Virudhunagar District,
Virudhunagar Town.

2. The Sub-Treasury Officer,
Rajapalayam Town,
Virudhunagar District.



3. The Chief Civil Surgeon,
Office of the Medical Officer,
Government Hospital, Rajapalayam Town,
Virudhunagar District.

4. The Principal Accountant General (A&E)
Office of the Principal Accountant
General (A&E),
361, Anna Salai, Chennai - 18.

+1 CC to M/s.M.THIRUNAVUKKARASU, Advocate (SR-14676[F] dated
31/03/2021)

+1 CC to M/s.SPL GP (SR-15340[F] dated 07/04/2021)

W.P. (MD) No.10310 of 2016
31.03.2021

KMV(CO)
KB(25.05.2021) 3P 7C