

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No. 799 of 2022

M.Pargunan

..Petitioner

Vs.

1.The Principal Chief Conservator of Forests
(Head of Department)
Panagal Maaligai, Saidapet,
Chennai-600015.

2.The Chief Conservator of Forests
(Human Resource Development)
O/o. The Principal Chief Conservator of Forests
Panagal Maaligai, Saidapet,
Chennai-600015.

3.The Joint Director,
O/o. The Principal Chief Conservator of Forests
Panagal Maaligai, Saidapet,
Chennai-600015.

..Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 05.06.2021 and pay arrears of revision of pay and encashment of leave salary i.e. 240 days Earned Leave and 90 days of Unearned Leave on Private Affairs as on 30.06.2016 to the petitioner together with interest at the rate of 12 percentage per annum within the time frame as may be fixed by this Court.

For Petitioner : Mr.M.A.Arunesh
For Mr.A.V.Arun

For Respondents : Mr. T.Chezhiyan, AGP

ORDER

The prayer in the present writ petition is for a direction to the respondents to consider the representation of the petitioner dated 05.06.2021 and pay arrears of revision of pay and encashment of leave salary i.e. 240 days Earned Leave and 90 days of Unearned Leave on Private Affairs as on 30.06.2016 to the petitioner together with interest at the rate of 12 percentage per annum within the time frame as may be fixed by this Court.

2. Heard both sides and perused the materials available on record.

3. The learned counsel for the petitioner has submitted that the petitioner was appointed in the Forest Department as Tally Clerk in the year 1981 and subsequently promoted to the cadre of Superintendent and retired on superannuation on 30.06.2016 A.N. The petitioner's seniority in the post of Junior Assistant, Assistant and Superintendent was restored on the dates 07.07.1997, 14.12.2001 and 30.12.2013 respectively vide G.O (D) No. 85, Environment and Forests (FR.2) Department, dated 06.05.2016. The Government have also directed the 1st respondent to place the petitioner in the above posts on the dates and accordingly sanction the pay and eligible increments and arrears of pay based on the Government Order.

4. The learned counsel for the petitioner has further submitted that since the arrears of pay as per the proceedings of the 1st respondent was not cleared, the petitioner made representation to the respondents to pay arrears of pay and leave encashment of earned leave and unearned leave on private affairs. The said representation is still pending before the respondents, hence the present writ petition.

5. On the other hand, the learned Additional Government Pleader has submitted that the respondent had already settled the arrears of pay and leave encashment of earned leave and unearned leave on private affairs to the petitioner on 13.01.2022 and 12.05.2022 respectively and produced a copy of the proceedings in Ref.No. M3/39378/2021, dated 09.06.2022 before this Court to that effect. The learned Additional Government Pleader has further submitted that if any balance amount payable to the petitioner, the same will be considered by the respondents and appropriate orders will be passed based on the materials available on record.

6. In view of the submissions made by both the learned counsels, this Court directs the 3rd respondent to consider the representation dated 05.06.2021 submitted by the petitioner and settle the arrears amount if any payable to the petitioner and pass appropriate orders as expeditiously as possible, preferably within a period of twelve (12) weeks from the date

of receipt of a copy of this order. The petitioner is also permitted to file additional particulars to the respondent if any, to substantiate his claim.

7. With the above directions, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

ak

To

1.The Principal Chief Conservator of Forests
(Head of Department)
Panagal Maaligai, Saidapet,
Chennai-600015.

2.The Chief Conservator of Forests
(Human Resource Development)
O/o. The Principal Chief Conservator of Forests
Panagal Maaligai, Saidapet,
Chennai-600015.

3.The Joint Director,
O/o. The Principal Chief Conservator of Forests
Panagal Maaligai, Saidapet,
Chennai-600015.

+lcc to Mr.A.V.Arun, Advocate SR. No. 37737

+lcc to Special Government Pleader (Forest) SR. No. 38080

+lcc to Government Pleader SR. No. 37638

W.P.No. 799 of 2022

RGN (CO)

PR (14/07/2022)