



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.5691 of 2015

K.Jayakumar

...Petitioner

-Vs-

1. The Managing Director,
(Earlier as Special Officer),
The Salem Co-operative Sugar
Mills Ltd.,
Mohanur - 637 015,
Namakkal District, Tamil Nadu.

2. The Director of Sugar,
690, Anna Salai,
Periyar EVR Buildings, 2nd Floor,
Nandanam, Chennai - 600 035.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order of the 1st respondent in its proceedings in RC.No.780/89/SI dated 17.12.2014 and quash the same as arbitrary, illegal and consequently directing the respondents to disburse the monetary benefits for earned leave credited in the petitioner's account within a stipulated period.

For Petitioner : Mr.V.Venkadasalam

For R1 : Mr.R.Bala Ramesh

For R2 : Mr.P.Ganesan
Additional Govt. Pleader



ORDER

The petitioner's request to sanction earned leave for a period of 240 days came to be rejected by the first respondent/Sugar Mill, through the impugned letter dated 17.12.2014, on the ground that, as per the circulars of the Commissioner of Sugar, dated 08.01.2003 and 08.12.2006, the petitioner will not be eligible for encashment of earned leave.

2. Today, when the matter was called, the learned counsel for the petitioner submitted that both these circulars, which have been relied upon in the impugned letter dated 17.12.2014, have been withdrawn and therefore, the petitioner would be entitled to encash the earned leave. Such a statement of the learned counsel for the petitioner is ratified by the learned counsel appearing for the second respondent.

3. In view of the withdrawal of the circulars issued by the Commissioner of Sugar, the reason assigned in the impugned letter for the purpose of rejecting the petitioner's request for encashment of earned leave, cannot be sustained.

4. Accordingly, the impugned letter of the first respondent in its proceedings in RC.No.780/89/SI dated 17.12.2014, is quashed and the matter is remanded back to the first respondent herein for passing fresh orders, in the light of the observations made in this order. The first respondent shall endeavour to pass such orders atleast within a period of four (4) weeks from the date of receipt of a copy of this order.

5. The Writ Petition stands allowed, accordingly. No costs.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

hvk

To

1. The Managing Director,
(Earlier as Special Officer),
The Salem Co-operative Sugar
Mills Ltd.,
Mohanur - 637 015,
Namakkal District, Tamil Nadu.



2. The Director of Sugar,
690, Anna Salai,
Periyar EVR Buildings, 2nd Floor,
Nandanam, Chennai - 600 035.

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+1cc to Mr.V.Venkadasalam, Advocate SR. No.355
+1cc to Mr.R.Bala Ramesh, Advocate SR. No.174
+1cc to Government Pleader SR. No.710

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KSM (CO)
PR (21/01/2022)