



WEB COPY



W.P. No.20657 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.20657 of 2022

G. Vasu

...Petitioner

vs.

1. The Secretary to Government,
Animal Husbandry Dairying and Fisheries Department,
Fort St. George,
Chennai - 600 009.

2. The Commissioner for Milk
Production and Dairy Development,
Madhavaram Milk colony,
Madhavaram,
Chennai - 600 051.

3. The General Manager,
Krishnagiri District Co-operative Milk Producer Union,
Krishnagiri.

... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to disburse the earned leave calculated at the rate of 32 days per year from 01.01.1990 till the date of the petitioner's retirement together with interest @ of 18% p.a. for the delayed period from 30.06.2019 till the date of payment at the earliest.

For petitioner	: Mr.N.Jayabharathi
For respondents	: Mrs.V. Yamuna Devi, Spl. Govt. Pleader for R1 & R2 Ms.M.Sajithra for M/s.I.John Arokiadas for R3



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ORDER

WEB COPY This writ petition has been filed for a Mandamus seeking for a direction to the respondents to disburse the Earned leave calculated at the rate of 32 days per year from 01.01.1990 till the date of the petitioner's retirement together with interest at 18% p.a. for the delayed period from 30.06.2019 till the date of payment, within a time frame to be fixed by this Court.

2. The 3rd respondent has filed the counter admitting their liability towards the petitioner as claimed in this writ petition. However, according to them due to their present financial position, they are unable to pay the amount to the petitioner.

3. The learned Standing counsel for the 3rd respondent on instructions would submit that the 3rd respondent requires four months time to make the payment due to the petitioner excluding interest as claimed in the writ petition.

4. The learned counsel for the petitioner would submit that four months time is a long period as the petitioner has not been paid since 30.06.2019, being the date of the petitioner's superannuation.

5. After giving due consideration to the rival submissions, this Court is of the considered view that eight weeks time can be granted to



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the 3rd respondent to pay the admitted liability to the petitioner with regard to the disbursement of the E.L. calculated at the rate of 32 days per year from 01.01.1990 till the date of the petitioner's retirement i.e. on 30.06.2019.

6. For the foregoing reasons, this writ petition is disposed of by directing the 3rd respondent to pay the admitted liability to the petitioner pertaining to the disbursement of his E.L. calculated at the rate of 32 days from 01.01.1990 till the date of the petitioner's retirement together with interest at 18% p.a. for the delayed period from 30.06.2019 till the date of payment, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the aforesaid directions, this writ petition is disposed of.
No costs.

13.10.2022

Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
vsi2

To :
1. The Secretary to Government,
Animal Husbandry Dairying and Fisheries Department,
Fort St. George,
Chennai - 600 009.



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ABDUL QUDDHOSE, J.

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2. The Commissioner for Milk
Production and Dairy Development,
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Chennai - 600 051.

3. The General Manager,
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Krishnagiri.

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