



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.16750 of 2020

V.George

...Petitioner

Vs.

1. The Secretary to Government,
Water Supply and Municipal Administration Department,
Secretariat,
Chennai-600009.
2. The Commissioner of Municipal Administration,
11th Floor, Urban Administrative Building,
75, Santhome High Road,
MRC Nagar, Raja Annamalai Puram,
Chennai-600028.
3. The Commissioner,
Municipal Office,
Government Garden Office, Tirupathur,
Vellore District-635 601

...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 release the monetary benefits payable upon sanction of earned leave and unearned leave to the credit of the petitioner vide sanction order dated 05.09.2019 bearing Na.Ka.No.0960/2019/C1 and in accordance with Fundamental Rules viz, 86(a) (i) (ii) (iii) to the petitioner.

For Petitioner

:Ms.T.Hemalatha

For Respondents

: Mr.M.Bindran, AGP- R1 & R2

: Mr.V.Kathirvelu for R3

ORDER

The prayer in the writ petition is to directing the respondents to release the monetary benefits payable upon sanction of earned leave and unearned leave to the credit of the petitioner vide sanction order dated 05.09.2019 bearing Na.Ka.No.0960/2019/C1.



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

3. The learned counsel for the petitioner has submitted that the petitioner worked as Municipal Engineer Grade-II in the 3rd respondent office. Though he attained the age of superannuation on 31.03.2019, he was not allowed to retire from service on the ground that disciplinary proceedings are pending against him. The learned counsel for the petitioner has further submitted that the petitioner has made representation dated 31.05.2019 to the 3rd respondent to sanction Earned Leave, Un-Earned Leave and the 3rd respondent by impugned proceedings dated 05.09.2019 had sanctioned the earned leave, unearned leave and gratuity, but till date the respondent has not paid the said amount to the petitioner.

4. The learned counsel for the petitioner has relied upon the decision of this Court made in W.P.Nos.31786 to 31788 of 2019, dated 12.11.2019, wherein this Court by relying upon the number of judgments held that the petitioners therein are entitled to claim the encashment of Earned leave, Unearned leave as well as gratuity and accordingly directed the respondents to disburse the amount. In the light of the said decision of this Court, the petitioner herein also entitle to the said benefit.

5. Considering the facts and circumstances of the case and in view of the above said decision of this Court, this Court directs the 1st respondent to consider the petitioner's representation dated 31.05.2019 and pass necessary orders granting payment towards the encashment of Earned leave and Unearned leave to the petitioner as per the impugned proceedings dated 05.09.2019, if he is otherwise eligible and satisfies the relevant norms, within a period of eight weeks from the date of receipt of a copy of this order. The said order shall be communicated to the petitioner.

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

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar



To

1. The Secretary to Government,
Water Supply and Municipal Administration Department,
Secretariat, Chennai-600009.

2. The Commissioner of Municipal Administration,
11th Floor, Urban Administrative Building,
75, Santhome High Road,
MRC Nagar, Raja Annamalai Puram,
Chennai-600028.

3. The Commissioner,
Municipal Office,
Government Garden Office, Tirupathur,
Vellore District-635 601

+1 CC to The Government Pleader sr 19603

+1 CC to Mr.V.Kathirvelu, advocate sr 19747.

W.P.No. 16750 of 2020

SVI (CO)
SP(08/04/2022)