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W.P.No.31915 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.11.2022

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.31915 of 2022

T. Balamani

.. 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,
Dharmapuri District Co-operative Milk Producer Union,
Salem Bye pass Road,
Dharmapuri, Krishnagiri – 635 002.
- .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the respondents to disburse the amount of 240 days of earned leave and 90 days unearned leave on private affairs Encashment together with interest @ 18% p.a. for the delayed period from 30.06.2016 till the date of payment at the earliest.



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For Petitioner : Mr.Eswar Kumar

For Respondents : Mrs.V. Yamunadevi,
Special Government Pleader [R1 & R2]
Mr.I. John Arockiadas [R3]

ORDER

This Writ Petition has been filed for a mandamus seeking for a direction to the respondents to disburse the amount of 240 days of Earned Leave and 90 days of Unearned Leave on private affairs Encashment, together with interest @ 18% p.a. for the delayed period from 30.06.2016 till the date of payment, within a time frame to be fixed by this Court.

2. Heard Mr.Eswar Kumar, learned counsel for the petitioner. Mrs.V. Yamunadevi, learned Special Government Pleader, accepts notice on behalf of the first and second respondents and Mr.I. John Arockiadas, learned counsel, accepts notice on behalf of the third respondent. By consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.



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3. The grievance of the petitioner is that while her husband Late R.Munisami, while he was in service, had surrendered 240 days of Earned Leave and 90 days of Unearned Leave on private affairs. However, the same was not allowed to be encashed till date. The petitioner has given a representation on 14.10.2022 enclosing the death certificate of R.Munisami as well as his legal heirship certificate, seeking for disbursement of the amount for 240 days of Earned Leave and 90 days of Unearned Leave on private affairs, which was not encashed earlier, together with interest at the rate of 18% p.a., for the delayed period from 30.06.2016. Since the representation has not been considered till date, the petitioner has filed this Writ Petition.

4. No prejudice will be caused to the respondents if the petitioner's representation, is considered on merits and in accordance with law, within a time frame to be fixed by this Court.

5. The petitioner also relies upon an order passed by this Court dated 07.01.2022 in WP.No.15473 of 2020, and claims that in an identical matter, the respondents were directed to disburse the encashment for the Earned



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Leave as well as for the Unearned Leave. It is for the respondents to consider as to whether the said order is applicable to the case of the petitioner also.

6. For the foregoing reasons, this Court directs the third respondent to pass final orders on merits and in accordance with law, on the petitioner's representation dated 14.10.2022, seeking for disbursement of the encashment amount for 240 days of Earned Leave and 90 days of Unearned Leave on private affairs, payable to the petitioner's husband Late R. Munisami, together with interest @ 18% p.a., within a period of four (4) months from the date of receipt of a copy of this order. The third respondent while passing the final order, shall give due consideration to the order passed by this Court dated 07.01.2022 in W.P.No.15473 of 2020, referred to supra. However, the petitioner will have to send a copy of the same to the third respondent for his consideration.

7. Accordingly, the Writ Petition stands disposed of. No costs.

30.11.2022

Speaking/Non-speaking order



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Index: Yes/No

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ABDUL QUDDHOSE,J.

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