



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 16768 of 2017

C. Govindaraju

...Petitioner

-vs-

1. State rep.by
The Secretary
Higher Education (2) Department
Secretariat
Fort St.George,
Chennai - 600 009.

2. The Commissioner of Technical Education,
Directorate of Technical Education (Engineering)
Guindy, Chennai - 600 025.

3. The Principal
Government Engineering College
Salem - 11.

...Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondents to sanction and pay the earned leave salary increment for the period of 9 years, G.P.F and 1 ½ month salary, with arrears thereof by providing interest for the same to the Petitioner by considering his representation dated 27.02.2017.

For Petitioner : Mr. M.Elango

For Respondents: Mrs. C.Sangamithirai
Special Government Pleader

O R D E R

Heard Mr. M.Elango, Learned Counsel for the Petitioner and Mrs.C.Sangamithirai, Learned Special Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.



2.The Writ Petition has been filed for directing the Respondents to sanction and pay earned leave salary increment for the period of nine years, general provident fund and one and half month salary with arrears thereof by providing interest for the same to the Petitioner by considering his representation dated 27.02.2017 made in that regard.

3.Though Learned Special Government Pleader appearing for the Respondents states that the Counter-Affidavit has been filed in the Registry, it has not been put up in the bundle. In such circumstances, she has produced its copy in which it has been stated as follows:-

"It is submitted that based on the orders issued by Government vide G.O(Ms) No. 289, Higher Education (C2) Department, dated 04.10.2017, the Third Respondent has issued proceedings for regularization of the services of the Petitioner and declaration of probation vide Prl's proceedings No.498/C2/2000 dated 09.11.2017 and 23.04.2018. Further Annual increments have been sanctioned from the year 2007 till his retirement in the year 2015 vide Prl's proceedings No.498/C2/2000 dated 23.04.2018. The Petitioner has also been granted Encashment of Earned leave after his retirement vide Prl Proc.No. 3777/C2/2014 dated 02.07.2018. The one and half month salary of G.A Rs. 7800/- and N.A Rs. 5160/- was drawn and disbursed to the Petitioner on 04.01.2019. As per the judgment of the Hon'ble High Court, the Petitioner is getting State Government pension, the amount of Contributory Pension Scheme (CPS) has to be transferred to GPF, Necessary proposals in this regard has also been sent to State Department of Treasuries and Accounts Office vide this office letter No. 3777/C2/2015, dated 08.06.2018 and hence the prayer of the Petitioner stands complied with."

Further, a copy of letter No. 3777/C2/2015 dated 20.08.2019 sent by the Third Respondent to the Second Respondent informing that all the grievances ventilated by the Petitioner in this Writ Petition have been redressed has been produced.

4.In such circumstances, though nothing remains to be considered in the Writ Petition, it is clarified that the Petitioner is not precluded from working out his rights for any other relief to which he is entitled before the proper forum in the manner recognized by law.



In the result, the Writ Petition is disposed on the aforesaid terms. No costs.

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Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary
Higher Education (2) Department
Secretariat
Fort St.George,
Chennai - 600 009.
2. The Commissioner of Technical Education,
Directorate of Technical Education (Engineering)
Guindy, Chennai - 600 025.
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+1cc to the Special Government Pleader, S.R.No.18591

W.P. No. 16768 of 2017

SKM(CO)
RGA(13/04/2022)