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W.P.No.8584 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04..07..2023

Coram

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

Writ Petition No.8584 of 2023

A.Vijayan

..... Petitioner

-Versus-

1.Azhinjikuppam Primary Agricultural
Co-Operative Credit Society,
Rep. by its President,
Melkothakuppam, Rajakkal Post,
Vellore District – 635 805.

2.Azhinjikuppam Primary Agricultural
Co-Operative Credit Society,
Rep. by its Secretary,
Melkothakuppam, Rajakkal Post,
Vellore District – 635 805.

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Mandamus directing the respondents to settle a sum of Rs.2,39,200/- towards surrender of 240 days of Earned Leave which was in the credit of the petitioner at the time of retirement, Rs 2,500/- towards security Deposit and Rs.4,000/- towards ex-gratia for the year 2011 and altogether a sum of Rs.2,45,700/- with 6% interest to the petitioner herein by considering the representation of the petitioner dated 27.02.2023.



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For Petitioner : *Mr.D.Soundar Raj*
For Respondents : *Mr.S.Arumugham,*
Government Advocate
for RR 1 and 2

ORDER

This writ petition has been filed seeking a writ in the nature of mandamus directing the respondents to consider the representation of the petitioner dated 27.02.2023 with respect to settlement of a sum of Rs.2,39,200/- towards surrender of 240 days of Earned Leave which was in the credit of the petitioner at the time of his retirement, Rs 2,500/- towards security Deposit and Rs.4,000/- towards ex-gratia for the year 2011 and altogether a sum of Rs.2,45,700/- with 6% interest to the petitioner.

2. It is the case of the petitioner that the amounts referred to above have not been settled till date though he had been discharged from the disciplinary proceedings.

3. The main contention of the learned Government Advocate is that pending disciplinary proceedings, the petitioner was placed under suspension therefore, he is not entitled for any kind of leave for the period during which he was placed under suspension and as such surrender leave salary has not been settled to him.



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4. The contention of the learned Government Advocate that the petitioner is not entitled to surrender of earned leave cannot be countenanced for the simple reason that in the order of the Joint Registrar dated 31.01.2018 itself it has been directed that EL for the suspension period alone shall not be credited. In that context only the order has been passed. Therefore, it does not mean that the entire earned leave during his tenure should not be credited at his account. Admittedly, the period of suspension from 23.01.2012 to 01.09.2013 was directed to be treated as duty period with the caveat that EL for that period alone shall not be credited. . Therefore, the petitioner is entitled to surrender EL at his credit to a maximum limit of 240 days at the time of his retirement as per rules. The respondent shall therefore calculate the EL as per rules and credit the same to the account of the petitioner and pay the surrender leave salary within a period of two months from the date of receipt of a copy of this order. However, the petitioner is not entitled to any interest.

In the result, the writ petition is disposed of with the above directions No costs.

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Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
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N.SATHISH KUMAR.J.,
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