



WEB COPY



W.P.No.32526 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2023

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THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No. 32526 of 2016

C.B.Ranganathan

... Petitioner

Versus

1. Government of Tamil Nadu,
Rep. by its Special Commissioner and Secretary to Government
Animal Husbandry and Fisheries Department
Fort St George
Chennai 600 009.

2. The Managing Director
Tamil Nadu Co-Operative Milk Producers Federation Limited
Aavin Illam
Madhavaram Milk Colony
Chennai 600 051.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, prays to issue a Writ of Mandamus, directing the 1st respondent to settle the encash value of 52 days earn leave with interest at the rate of 8% per annum from the date when it became payable till the date of payment in terms of the orders passed in W.A.No.320 of 2011 dated 25.06.2012.

For Petitioner	: M/s.S.Kavya for Mr.Balan Haridas
For Respondents	: Mr.T.Chezian Additional Government Pleader for R1 Mr.V.Selvaraj for R2



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ORDER

This writ petition has been filed to direct the 1st respondent to settle the encash value of 52 days earned leave with interest at the rate of 8% per annum, from the date when it became payable, till the date of payment, in terms of the orders passed in W.A.No.320 of 2011 dated 25.06.2012.

2. The case of the petitioner is that he joined the service on 01.06.1973 as a Dairy Supervisor in the Dairy Development Department. Thereafter, he was transferred on deputation to the Tamil Nadu Dairy Development Corporation Limited which was converted to a Co-Operative Federation/2nd respondent Federation. Accordingly, he was also transferred on deputation to the 2nd respondent Federation. The 1st respondent had issued a G.O.Ms.No.1921 Agriculture (MP1) Department dated 08.11.1983 regarding the encashment of earned leave. As per the G.O, the employee would be paid cash equivalent to 50% of the quantum of the earned leave on the date of absorption and the balance of 50 % would be transferred to the 2nd respondent Federation and would be paid by the 2nd respondent. According to the petitioner, the petitioner had 103 days of earned leave at the time of



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absorption and 50% of the same was encashed and the balance 52 days earned leave had to be encashed at the time of retirement. But, the 2nd respondent had not paid the same. With the said specific grievance, the writ petitioner approached this Court by way of filing this writ petition.

3. The 2nd respondent has filed a counter stating that the 2nd respondent federation had issued a circular in Ref.No.20320/Accts.1-1/91 dated 04.01.1993 and thereby issued instructions for calculation of quantum of Earned Leave Encashment eligible to employees in the 2nd respondent federation. He would also submit that only on the basis of the above said circular, all terminal benefits were settled and therefore, there is no merit in the writ petition and sought for dismissal of the same.

4. This Court has perused the order of Hon'ble Division Bench of this Court in W.A.No.320 of 2011 dated 25.06.2012. The Hon'ble Division Bench relying on G.O.Ms.1921 dated 08.11.1993 and also the circular in Ref.No.20320/Accts.1-1/91 dated 04.01.1993 and G.O.MS.No.999 P& AR Department dated 30.10.1987, held that the circular cannot supersede the G.O.Ms.1921 dated 08.11.1993 which specifically speaks of earned leave



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salary being paid to the employees, who were absorbed in the Tamil Nadu Co-operative Milk Producers Federation. In fact, a learned Single Judge had dismissed the writ petition and the said order was revised in appeal and held that the petitioner is entitled for remaining 50% with 8% per annum interest. Aggrieved over the same, the respondent had filed a Special leave petition and the same was also dismissed, confirming the judgment of the Hon'ble Division Bench. The facts of the present case are very similar to the facts of the above said case which was decided by the Hon'ble Division Bench. Hence, there is no difficulty in following the ratio laid down by the Hon'ble Division Bench and allowing this writ petition.

5. Accordingly, this writ petition is allowed and the 1st respondent is directed to settle the encash value of 52 days earned leave, with interest at the rate of 8 % per annum from the date when it became payable, till the date of payment within four weeks from the date of receipt of a copy of this order. No costs.

08.06.2023

Index : Yes / No
Internet: Yes
Speaking/non speaking order
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P.B.BALAJI, J.,

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To

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2. The Managing Director
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