



W.P.(MD)No.5099 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.5099 of 2020

and

W.M.P.(MD)Nos.4450, 4452 of 2020 and 12887 of 2021

G.Poogavanan

... Petitioner

Vs.

1. The Chairman,
Gandhigram Institute of Rural Health and
Family Welfare Trust,
Gandhigram,
Dindigul District - 624 302.

2. The Director,
Gandhigram Institute of Rural Health and
Family Welfare Trust,
Gandhigram,
Dindigul District - 624 302.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the first respondent in



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GIRH/ESTT/2019-2020/0727 dated 12.12.2019 and
GIRH/ESTT/2019-20/0932, dated 15.02.2020, quash the same and
consequently, direct the respondents to disburse the surrender leave salary,
earned leave salary and unearned leave salary benefits based on the
representation of the petitioner dated 12.02.2020.

For Petitioner : Mr.S.Ramsundarvijayraj
For Respondents : Mrs.K.Christy Theboral
Addl. Government Pleader for R1
Mr.V.Karthikeyan for R2

ORDER

This Writ Petition has been filed to call for the records of the
impugned orders in GIRH/ESTT/2019-2020/0727, dated 12.12.2019 and
GIRH/ESTT/2019-20/0932, dated 15.02.2020, passed by the first
respondent, quash the same and consequently, direct the respondents to
disburse the surrender leave salary, earned leave salary and unearned leave
salary benefits, based on the representation of the petitioner, dated
12.02.2020.



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2. The case of the petitioner is that the petitioner is a retired employee of the respondent University as Upper Division Clerk. However, he was not disbursed with surrender leave salary, earned leave salary and unearned leave salary. Hence, the petitioner has submitted a representation on 12.12.2020 and the same was rejected, vide impugned order, dated 15.02.2020 on the ground that the first respondent is not able to get financial assistance from the Central Government. Challenging the same, the present Writ Petition,

3. The learned counsel appearing for the petitioner would submit that though the present impugned order was passed on 15.02.2020 on the ground that there was no financial assistance received from the Central Government. Even after three years, the respondents are not justified in stating that they did not receive grant-in-aid from the Central Government and the petitioner's request was rejected on the financial implication and not on the ground of entitlement. Hence, this Court may fix the outer time limit to grant benefits to the petitioner.



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4. The learned counsel for the petitioner would further submit that though the impugned order was passed in the year 2020, even today, the respondents stating that there is no financial assistance from the Central Government, refused to pay the amount to the petitioner. Further, the learned counsel has produced the copy of the Audit Report, dated 27.06.2022 before this Court. On perusal of the same, it shows that the Director of Gandhigram Institute of Rural Health and Family Welfare Trust received excess pay of Rs.15,54,892/- (Rupees Fifteen Lakhs Fifty Four Thousand Eight Hundred and Ninety Two only), whereas, they refused to grant the legitimate amount to the petitioner, which is not sustainable one.

5. The learned counsel appearing for the second respondent would submit that as soon as the respondents receive the grant-in-aid from the Central Government, the amount will be disbursed in favour of the petitioner.

6. Heard the learned counsel appearing for the parties and perused the materials placed before this Court.



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7. A perusal of the Audit Report, dated 27.06.2022, reveals that there was an allegation against the Director of Gandhigram Institute of Rural Health and Family Welfare Trust, as if she has been receiving excess pay of Rs.15,54,892/- (Rupees Fifteen Lakhs Fifty Four Thousand Eight Hundred and Ninety Two only), from the grant in 2021. However, the respondents refused to pay the legitimate amount to the petitioner, which is not sustainable one. Hence, the first respondent is directed to disburse the eligible amount to the petitioner within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above observations, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

05.01.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

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