



WEB COPY



W.P.No.1766 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

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THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.1766 of 2022

N.Subramanian

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Petitioner

Vs

1. The Secretary,
Ministry of Commerce and Industry,
Department of Commerce,
(Ministry of Commerce and Industry, Govt. of India)
Udyog Bhawan, New Delhi – 110 011.

2. The Chairman,
Additional Secretary,
Export Inspection Council (EIC)
(Ministry of Commerce and Industry, Govt. of India)
Room No :162B, No.287, Udyog Bhawan,
New Delhi – 110 011

3. The Director (I & QC),
Export Inspection Council (EIC)
(Ministry of Commerce and Industry, Govt. of India)
2nd Floor, B-Plate,
Block – I, Commercial Complex,
East Kidwai Nagar, New Delhi – 110 023.

4. The Joint Director,
Export Inspection Agency – Chennai,
(Ministry of Commerce & Industry, Govt. of India)
6th Floor, CMDA Tower II,
No.1, Gandhi Irvin Road,
Egmore, Chennai – 600 008.



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5. Department of Personnel & Training,
Ministry of Personnel, P G and Pensions
Government of India,
North Block, New Delhi – 110 001.

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Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for the records on the file of the second respondent order No. EIC/D(Q/C)12B/2013-14/3300 dated 04.07.2014 quash the same and also direct the respondents to provide pending surrendered earned leave during the period from 1.1.1986 to 3.1.1994 leave encashment benefit for 158 days to the petitioner withheld by them.

For Petitioner : M/s.J.Muthuchelvi

For Respondents : Mrs.Nithilavani

Central Government Standing Counsel

ORDER

This Writ Petition has been filed challenging the order passed by the second respondent dated 04.07.2014, thereby issued order in respect of encashment of leave at the time of retirement.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner had joined as Group-D Employee in the Department of Export Inspection Agency under the Ministry of



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Commerce, Government of India in the year 1983. The leave encashment for the period of 300 days is alone permitted through out the career of the person in service. The second respondent issued an order dated 04.07.2014 stating that the EL encashed by the employees of EIC/EIAs during the period from 01.01.1986 to 03.01.1994 that the practice of surrender was stopped with effect from 09.04.2013. The petitioner retired in the year 2018 and his claim was that he was eligible for 285 days leave accrued inclusive of surrender leave for encashment from 01.01.1986 to 03.01.1994. However, he was sanctioned leave salary for 127 days only instead of 285 days.

4. A perusal of the counter and the submissions made by the learned Central Government Standing Counsel reveals that earlier the ceiling (upper limit) for leave encashment was 240 days during the entire service career and subsequently the said ceiling was raised to 300 days.

5. As per the statement of the petitioner, he had surrendered 158 days of leave for encashment during the period from 1.1.1986 to 20.01.1994. Till his retirement he was eligible for 285 days leave accrued. But already he encashed for 127 days of leave. Therefore, he



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was granted encashment of leave for 127 days on his retirement. He was eligible for 285 days leave accrued inclusive of already surrendered leave for encashment, i.e., 158 days (285 days-158 days = 127 days). The ceiling of leave encashment during the entire career is 300 days. But in the case of the petitioner, he was eligible for 285 days encashment inclusive of surrendered leave i.e., 158 days. Therefore, this Court finds no infirmity or illegality in the order passed by the second respondent. Thus, the writ petition is devoid of merits and is liable to be dismissed.

6. Accordingly, this Writ Petition stands dismissed. No costs.

27.02.2024

Internet : Yes/No
Index : Yes/No
Neutral citation : Yes/No
Speaking/Non Speaking order
Lpp

To

1. The Secretary,
Ministry of Commerce and Industry,
Department of Commerce,
(Ministry of Commerce and Industry, Govt. of India)
Udyog Bhawan, New Delhi – 110 011.



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