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W.A.No.1196 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.04.2024

CORAM

THE HON'BLE Mr. JUSTICE R. MAHADEVAN
AND
THE HON'BLE Mr. JUSTICE MOHAMMED SHAFFIQ

W.A.No.1196 of 2024 and C.M.P.No.8694 of 2024

The General Manager
Dharmapuri District Co-operative Milk Producers' Union
Salem Bye Pass Road
Dharmapuri at
Krishnagiri – 635 002

Appellant

v

1. C.Gnanam
 2. The Secretary to Government
Animal Husbandry Dairying and Fisheries Department
Fort St.George, Chennai – 600 009
 3. The Commissioner for Milk Production and Dairy Development
Madhavaram Milk Colony
Madhavaram
Chennai – 600 051
- Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against the order
dated 21.09.2022 passed in W.P.No.25325 of 2022.

For appellant : Mr.I.John Arockiadas



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JUDGMENT

(delivered by R. MAHADEVAN, J.)

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Challenging the order dated 21.09.2022 passed by the learned Judge in W.P.No.25325 of 2022, the third respondent union in the said writ petition has filed this writ appeal.

2 The facts leading to this writ appeal could be succinctly stated thus:

2.1 The first respondent/writ petitioner and four others, who were working in the office of the appellant union/third respondent union, after retirement on attaining the age of superannuation, were paid all benefits, except encashment of 90 days of earned leave on private affairs. Hence, they addressed representations to the appellant union/third respondent union seeking the said relief, but in vain.

2.2 Aggrieved, they filed five writ petitions being W.P. No.25325, 25328, 25333, 25336 and 25338 and of 2022 seeking a direction for disbursement of the amount *qua* encashment of 90 days of earned leave on private affairs.



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2.3 The main ground urged in the writ petitions was that a similarly placed person by name Manickavasagam, who retired in 2006, was also denied the same relief; hence, he filed W.P. No.29781 of 2014 which was allowed by this Court *vide* order dated 27.06.2017 and the said order having been upheld in W.A.No.1137 of 2018 *vide* judgment dated 28.06.2018, the writ petitioners also are entitled to the relief granted to the said Manickavasagam.

2.4 When the said writ petitions were taken up for hearing, the learned Standing Counsel for the appellant union/third respondent union submitted that the appellant union/third respondent union needs time to find out whether the writ petitioners are eligible to get the benefit in question and that on examination, if they are found eligible, the said benefit will be extended to them.

2.5 Based on the aforesaid submission, the learned Judge, *vide* common order dated 21.09.2022, directed the appellant union/third respondent union to consider the representation of each of the writ petitioners as per service regulations and extend such benefit to them within a period of four weeks, provided they are entitled to the same.



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2.6 Thereagainst, the third respondent union in the writ petition has preferred this writ appeal as against the order passed in W.P. No.25325 of 2022 alone.

3 Heard the learned Standing Counsel appearing for the appellant union/third respondent union and perused the materials available on record.

4 Incontrovertibly, the issue as to whether the retired employees of the appellant union/third respondent union are entitled to the benefit of encashment of 90 days earned leave on private affairs has attained finality. It is also not in dispute that the appellant union/third respondent union is fund-starved which is cited as the reason for not being able to settle the benefit in question to the first respondent/writ petitioner and other similarly placed employees.

5 Be that as it may, today, when the matter was taken up for hearing, the learned Standing Counsel for the appellant union/third respondent union fairly submitted that the claim of the first respondent/writ petitioner is under consideration and that the first respondent/writ petitioner will be extended the benefit of encashment of 90 days earned leave on private affairs, provided some



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time is granted.

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6 In view of the above submission made by the learned Standing Counsel, this Court grants twelve weeks time to the appellant union/third respondent union to settle the claim of the first respondent/writ petitioner, with arrears, if any.

With the above direction, this writ appeal stands disposed of. No costs. Connected Miscellaneous Petition is closed. Notice to the respondents is dispensed with since no order prejudicial to their interest is passed in this writ appeal.

[R.M.D., J.] [M.S.Q., J.]
16.04.2024

Neutral Citation : Yes/No

gya/cad

To

1. The Secretary to Government
Animal Husbandry Dairying and Fisheries Department
Fort St.George, Chennai – 600 009
2. The Commissioner for Milk Production and Dairy Development
Madhavaram Milk Colony
Madhavaram, Chennai – 600 051



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