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W.P.No.20446 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2024

CORAM :

THE HONOURABLE **DR. JUSTICE D.NAGARJUN**

W.P.No.20446 of 2015

Rajan

... Petitioner

Vs.

1. The Principal Secretary to the Government,
Department of School Education,
Government of Tamil Nadu,
Fort St.George, Chennai – 9.
2. The Chairman cum the Director of Non-Formal Adult Education,
D.P.I. Compound, College Road, Chennai – 6.
3. The Director,
State Resource Centre,
For Adult and Continuing Education,
Adiseshiah Bhavan, No.820, 1st street,
Venkaratnam Nagar Extension,
Adayar, Chennai - 600 020.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus, calling for the records relating to the impugned order in Ref: RR Pers. File dated 06.06.2015 on the file of the third respondent and quash the same and consequently direct the third respondent to disburse the salary for holding the additional post



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of Director of SRC for the period from 22.07.2010 to 27.09.2012 and allow to pay the encashment of earned leave/HPL for which the petitioner is entitled.

For petitioners : Mr.S.Arokia Maniraj
For respondents : Mr.P.Gurunathan
Additional Government Pleader

ORDER

This writ petition is filed to quash the order Ref: RR Pers. file dated 06.06.2015 on the file of the third respondent and direct the third respondent to disburse the salary for holding the additional post of Director of SRC for the period from 22.07.2010 to 27.09.2012 and allow to pay the encashment of earned leave/HPL for which the petitioner is entitled.

2. There is no dispute that the petitioner worked as Director in charge and worked for 30 years *sans* any blemish. The petitioner has filed a writ petition in W.P.No.385 of 2015 seeking a direction to the respondents to disburse the salary and also encashment of earned leave salary and full additional charge allowance. In the said writ petition, this Court directed the respondents to disburse the same within a specific time,



but, no action was taken. Thereafter, a reply was given by the Director stating that within a period of six weeks the representation of the petitioner can be considered.

3. The petitioner has pointed out that in a similar case, the respondents have given benefits of encashment of earned leave benefits/HPL to other persons, viz., Krishnamoorthy, Ida Singh, Stanislans, *et al.*

4. In view of the above submissions made, the petitioner is also entitled to encashment of leave salary. Insofar as full additional charge allowance is concerned, it is mentioned in the counter affidavit specifically that rules do not permit the same and it is also pointed out by the learned Additional Government Pleader that the grant of Full Additional Charge allowance was not considered as disciplinary proceedings were pending against the petitioner.

5. In view of the above, this writ petition is disposed of directing the respondents to consider the grant of encashment of earned leave and pay the same to the petitioner as per the rules, if he is otherwise eligible.



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DR. D.NAGARJUN,J.

vca

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Sofar as, the request of the petitioner to pay full additional charge allowance is concerned, the same is hereby declined. No costs.

03.01.2024

vca

Index : Yes/No
Internet : Yes/No
Citation : Yes/No

To:

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