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W.P.No. 3635 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2024

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.3635 of 2024

P.Anthonisamy

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Petitioner

Vs

1. The Secretary to Government,
Animal Husbandry Dairying and Fisheries Department,
Fort St.George,
Chennai – 600 009.

2. The Commissioner for Milk Production and
Diary Development,
Madhavaram Milk Colony,
Madhavaram,
Chennai – 600 051.

3. The General Manager,
Krishnagiri District Co-operative
Milk Producer Union,
Krishnagiri.

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Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to disburse the earned leave calculated at the rate of 32 days per year from 01.01.1990 till the date of petitioner retirement together with interest @ of 18% p.a. for the delayed period from 28.02.2019 till the date of payment at the earliest.



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For Petitioner : Mr.S.Mohan
For R1 & R2 : Mrs.R.L.Karthika
Government Advocate
For R3 : Mrs.Y.Yamuna Devi
Special Government Pleader

ORDER

This Writ Petition has been filed for a direction directing the respondents to disburse the Earned Leave calculated at the rate of 32 days per year from 01.01.1990 till the date of the petitioner's retirement together with interest at the rate of 18% p.a. for the delayed period from 28.02.2019 till the date of payment.

2. The learned Special Government Pleader appearing for the third respondent, on instructions, admitted their liability towards the petitioner as claimed in this writ petition. He further submitted that due to their present financial position, they are unable to pay the amount to the petitioner. He also submitted that the third respondent requires four months time to make the payment due to the petitioner excluding interest as claimed in the writ petition.

3. The learned counsel appearing for the petitioner would submit



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that four months time is a long period as the petitioner has not been paid since 28.02.2019, being the date of the petitioner's superannuation.

4. After giving due consideration to the rival submissions, this Court is of the considered view that eight weeks time can be granted to the third respondent to pay the admitted liability to the petitioner with regard to the disbursement of the E.L. calculated at the rate of 32 days per year from 01.01.1990 till the date of the petitioner's retirement, i.e., on 28.02.2019.

5. For the foregoing reasons, this writ petition is disposed of by directing the third respondent to pay the admitted liability to the petitioner pertaining to the disbursement of his E.L. calculated at the rate of 32 days from 01.01.1990 till the date of the petitioner's retirement together with interest at 18% p.a. for the delayed period from 28.02.2019 till the date of payment, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs.



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Index: Yes/No
Speaking Order: Yes
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To

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G.K.ILANTHIRAIYAN, J.

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