



WEB COPY



W.P.No. 7419 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.7419 of 2024

Senthamarai

....

Petitioner

Vs

1. The Director of Elementary Education,
DPI Campus,
Chennai-600006.

2. The District Educational Officer,
Tiruvannamalai-606 601.

3. The Block Educational Officer,
Thurinjapuram Block,
Tiruvannamalai-606 601.

.....

Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the 3rd respondent relating to the impugned order dated 28.02.2024 bearing No.O.Mu.No.1193/A1/2023 and quash the same and consequently, direct the respondents to disburse of her EL and UEL benefits.

For Petitioner : Mr.N.U.Pressanna

For Respondents : Mrs.S.Mythreye Chandru
Special Government Pleader



W.P.No. 7419 of 2024

ORDER

WEB COPY

This Writ Petition has been filed challenging the order passed by the third respondent dated 28.02.2024, thereby rejected the request made by the petitioner claiming Earned Leave and Unearned Leave.

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

3. The petitioner was appointed as Secondary Grade Teacher on 10.10.1996. Thereafter, she was promoted to the post of Elementary School Headmaster on 02.06.2009. While she was in service, she had acquired MA (History) and also acquired B.Ed., degree. However, the third respondent, by its proceedings dated 05.05.2022, cancelled the incentive increment which was granted to the petitioner and also ordered for recovery. It was challenged before this Court in W.P.No.16162 of 2022. In the meanwhile, the petitioner attained the age of superannuation and she retired from service on 30.06.2022. However, the petitioner was not settled retirement benefits on the ground that the petitioner filed writ petition before this Court in W.P.No.16162 of 2022, which is pending. This Court, by an order dated 19.07.2023, allowed the



W.P.No. 7419 of 2024

writ petition filed by the petitioner and set aside the recovery alone.

Thereafter, the third respondent issued “No Objection Certificate” to disburse all her retirement benefits. Only thereafter, the petitioner was paid retirement benefits. However, she was not paid Earned Leave and Unearned Leave benefits. Therefore, the petitioner submitted a representation. The request was rejected by an impugned order dated 28.02.2025 stating that as against the order passed in W.P.No.16162 of 2022, the respondents filed Writ Appeal and it is pending.

4. As stated supra, the said writ petition is no way connected with the Earned Leave and Unearned Leave. Writ petition was filed by the petitioner for cancellation of incentive increment. The said writ petition was partly allowed by this Court and quashed the recovery alone. Thereafter, the petitioner was settled with all terminal benefits.

5. The learned Special Government Pleader appearing for the respondents would submit that the third respondent inadvertently quoted the writ petition and the writ appeal while rejecting the claim of the petitioner. However, the petitioner is entitled for Earned Leave and Unearned Leave benefits. Though the writ appeal has been filed as



W.P.No. 7419 of 2024

against the order passed in W.P.No.16162 of 2022, the petitioner is entitled for Earned Leave and Unearned Leave benefits.

6. In view of the above, the impugned order dated 28.02.2024 in O.MU.No.1193/A1/2023 is liable to be quashed. Accordingly, it is hereby quashed. The respondents are directed to disburse the Earned Leave and Unearned Leave benefits to the petitioner within a period of four weeks from the date of receipt of a copy of this order.

7. With the above observation, this Writ Petition stands allowed. No costs.

21.03.2024

Internet : Yes/No
Index: Yes/No
Speaking Order/Non Speaking Order
Neutral Citation : Yes/No
Lpp

To

1. The Director of Elementary Education,
DPI Campus,
Chennai-600006.

2. The District Educational Officer,
Tiruvannamalai-606 601.



W.P.No. 7419 of 2024

3. The Block Educational Officer,
Thurinjapuram Block,
Tiruvannamalai-606 601.



WEB COPY



W.P.No. 7419 of 2024

G.K.ILANTHIRAIYAN, J.

Lpp

W.P.No.7419 of 2024

21.03.2024