



WEB COPY



W.P.No.11872 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2024

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.11872 of 2021

A.Prabhakaran

...

Petitioner

/vs/

1. Union of India,
Rep. by The Secretary to the Government of India,
Department of Defence Production,
Ministry of Defence, Room #136,
South Block, New Delhi – 110 011.
2. The Deputy Director (Adm),
Ministry of Defence (DGQA),
DTE of Quality Assurance
(COMBAT VEHICLES),
Avadi, Chennai – 600 054.
3. The Controller,
Government of India,
Ministry of Defence (DGQA),
Controller of Quality Assurance,
(Heavy Vehicle), Avadi,
Chennai – 600 054.
4. Officer of the Principal Controller of Accounts (FYS),
10A, SK Bose Road,
Kokatta – 700 001.



W.P.No.11872 of 2021

5. Accounts Officer,
HVF Accounts, Avadi,
Chennai – 600 054.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the first respondent to dispose of the appeal dated 09.12.2020 filed by the petitioner, one for the pending Gratuity and another for leave encashment in the lights of various Precedents and Sanction all the Gratuity Interest and Leave Encashment Interest to till date.

For Petitioner ... Mr.N.Sridhar

For Respondents ... Ms.A.Anuradha
ACGSC for R1 to R3

No appearance for R4 & R5

ORDER

The petitioner has filed this Writ Petition seeking a writ of mandamus directing the first respondent to dispose of the appeal dated 09.12.2020 filed by the petitioner, for the pending Gratuity and for leave encashment, in the light of various precedents and sanction all the Gratuity and Leave Encashment Interest to till date.



W.P.No.11872 of 2021

2. Mr.N.Sridhar, the learned counsel for the respondents 1 to 3 submitted that the gratuity along with interest was paid to the petitioner during the month February, 2020 as per Rule 68 of CCS (Pension Rules), 1972. Now the only pending claim is the interest on leave encashment. The petitioner could encash only 100 days of his Earned Leave which was in his credit and that payment was also made on 12.01.2018. However the petitioner claims that he had attained superannuation on 31.05.2010 and hence the leave encashment should also be given along with interest from 01.06.2010 to 12.01.2018.

2.1 It is further submitted by the learned counsel for the respondent that only because the CBI proceedings are pending against the petitioner, the leave encashment has not been paid to him and hence the petitioner is not entitled to claim any interest on the same.

3. It is a trite law that the Earned Leave is as similar as that of property right of a person and hence the entitlement of encashment of leave cannot be denied, even if an employee is removed from service. In such



W.P.No.11872 of 2021

case, the respondents ought to have paid the leave encashment at least without any delay. The pending criminal proceedings or enquiry cannot be the reason to withhold the leave encashment for eight years. Hence, I feel a reasonable interest should be allowed for the period from 01.06.2010 to 12.01.2018 to the petitioner on leave encashment.

4. Accordingly, the first respondent is directed to dispose the appeal dated 09.12.2020 filed by the petitioner and grant leave encashment to the petitioner along with interest at the rate of 6% per annum from 01.06.2010 to 12.01.2018, within a period of six week from the date of receipt of a copy of this order.

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

31.01.2024

Index: Yes / No
Speaking order / Non-speaking order
bkn



W.P.No.11872 of 2021

WEB COPY

To:

1. The Secretary to the Government of India,
Union of India,
Department of Defence Production,
Ministry of Defence, Room #136,
South Block, New Delhi – 110 011.
2. The Deputy Director (Adm),
Ministry of Defence (DGQA),
DTE of Quality Assurance
(COMBAT VEHICLES),
Avadi, Chennai – 600 054.
3. The Controller,
Government of India,
Ministry of Defence (DGQA),
Controller of Quality Assurance,
(Heavy Vehicle), Avadi,
Chennai – 600 054.



WEB COPY



W.P.No.11872 of 2021

R.N.MANJULA ,J.

bkn

W.P.No.11872 of 2021

31.01.2024