



W.P.No.15216 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.15216 of 2021

M.Karunanidhi

... Petitioner

Vs.

1. The Tamil Nadu Civil Supplies Corporation,
Rep. by its Managing Director,
10, Thambuswamy Road, Chennai – 10.

2. The Tamil Nadu Civil Supplies Corporation,
Rep. by its Regional Manager,
Krishnagiri Region, Krishnagiri.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to release the accumulate earned leave and leave on private affairs standing on the petitioner's credit as on 31.05.2018, the date of his retirement from service, without any further delay.



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For Petitioner : Mr.S.Venkataraman

For Respondent : Mr.C.Selvaraj

ORDER

This Writ Petition has been filed seeking Writ of Mandamus, directing the respondents to release the accumulated 'Earned Leave' and 'Leave on Private Affairs' stands credited on the petitioner as on the date of his retirement on attaining the age of superannuation i.e., 31.05.2018.

2. According to petitioner, the said amounts were withheld by the respondent Corporation purported to be recovering certain loss alleged to have been caused by the petitioner, while he was in service. In response to the notice issued by this Court, the second respondent filed a counter-affidavit contending that while the petitioner was in service, a proceedings was issued bearing Mu.M.Mai.Na.Ka.No.E10/1603/2018 dated 15.05.2018 ordering for recovery of an amount of Rs.5,18,797.20/- from the petitioner and similarly another proceedings bearing



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Na.Ka.No.S2/1519/2019 dated 12.04.2019 was issued ordering for recovery of an amount of Rs.1,88,551/- from the petitioner. It is also further stated that the petitioner himself has given a 'Consent Letter' dated 16.05.2018, permitting the respondents to recover the said amount towards the loss suffered by the respondents from the amounts due to the petitioner under the head of 'Leave Encashment'. Thus, it is contended that the petitioner is not entitled for payment of 'Leave Encashment' and the said amounts were already adjusted against the loss caused by the petitioner to the respondent Corporation.

3. The learned counsel for the petitioner contended that from the same amount, in respect of which the proceedings that were issued by the respondent ordering for recovery were subject matter of another Writ Petition in W.P.Nos.15103 and 15044 of 2021 and both the said proceedings were declared as illegal by another learned Single Judge by an order dated 20.02.2024, thereby striking down the said recovery of the alleged loss caused by the petitioner to the respondent Corporation. A



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copy of the said order is also placed before this Court.

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4. It is not in dispute that the very same amount which is stated to have been caused by the petitioner to the respondent Corporation is the subject matter of the above referred writ petition. In the light of the above orders dated 20.02.2022 passed in W.P.Nos.15103 and 15044 of 2021, the stand taken by the second respondent in their counter-affidavit cannot be sustained. From the perusal of the said order dated 20.02.2022, it is also noticed that the learned Single Judge has considered the so-called 'Consent Letter' given by the petitioner, permitting the respondent Corporation to recover the amounts that are due to the petitioner towards 'Earned Leave Encashment' and then declared the proceedings dated 15.05.2018 and 12.04.2019 as illegal.

5. In the light of the above, the Writ Petition is allowed, directing



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the respondents to release the amounts payable to the petitioner towards

'Earned Leave Encashment' and 'Leave on Private Affairs', as expeditiously as possible at any rate within a period of six weeks from the date of receipt of a copy of this order. This will not preclude the respondent Corporation from taking any steps for recovery of the loss alleged to have been caused by the petitioner if the same is otherwise permissible under law.

27.06.2024

skr

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

1. The Managing Director,
Tamil Nadu Civil Supplies Corporation,
10, Thambuswamy Road, Chennai – 10.
2. The Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Krishnagiri Region, Krishnagiri.



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MUMMINENI SUDHEER KUMAR, J.

skr

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