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W.P.No.16778 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2024

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THE HON'BLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P.No.16778 of 2024

M.Chinnasamy

... 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 Dairy Development,
Madhavaram Milk Colony,
Madhavaram,
Chennai – 600 051.

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

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India praying for the issuance of 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 my retirement together with interest @ 18% p.a., for the delayed period from 31.03.2016 till the date of payment at the earliest.



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For Petitioner : Mr.M.Vignesh

For Respondents : Mr.P.Ganesan
Government Advocate

ORDER

The writ petition is filed for a mandamus directing the respondents to disburse the earned leave salary at the rate of 32 days per year from 01.01.1990 till the date of the retirement of the petitioner with further interest at 18% p.a., for the delayed period from 31.03.2016 till the date of disbursement.

2. This apart, the encashment of 90 days leave on private affairs is also prayed for. On a perusal of the affidavit filed in support of the application, it seems that pursuant to dispute between the Management and the Employees, the earned leave on private affairs were not paid to the employees. Therefore, earlier similarly situated employees approached this Court in W.P.No.20657 of 2022 and W.P.No.3635 of 2024, the earned leave was ordered to be paid with further interest at the rate of 18% p.a., for the belated period.

3. When the matter taken up for hearing, Mr.P.Ganesan, learned Government Advocate took notice for the respondents. Upon going through the records, he would submit that the petitioner's case is also similarly



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situated, as far as earned leave is concerned. However, he would further submit that in the earlier cases, the interest was awarded at the rate of 18% which is on the higher side. He would further submit that as far as leave on private affairs is concerned, the respondents may given liberty to look into the issue as to whether the petitioner is eligible.

4. I have considered the submissions made by the learned counsel for the petitioner and the learned Government Advocate for the respondents.

5. As rightly contended by the learned counsel for the petitioner, as far as the earned leave is concerned, it has been specifically considered by this Court in the earlier writ petitions mentioned supra and it has been ordered in favour of the petitioner therein. As far as Award on interest at the rate of 18% is concerned, since there is no reason in the earlier order either pointing out any statutory rate or even the market rate, awarding on 18%, as rightly contended by the learned Government Advocate. However, since 18% is ordered for the similarly situated employees, I am restricting the same to the rate of 9% p.a.



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6. As far as 90 days leave on private affairs is concerned, the learned counsel for the petitioner would contend that in those cases, employees were already paid. In this case, the petitioner is entitled to, but the respondents have not paid. Therefore, the respondents can also consider the case of the petitioner and if he is entitled as per the Rules, the said sum shall also be disbursed along with 9% interest p.a., from the date on which the amount became due till the date of disbursement.

7. In view thereof, this Writ Petition is allowed on the following terms:-

(i) The respondents are directed to calculate the earned leave at the rate of 32 days per year from 01.01.1990 till the date of the retirement of the petitioner upto 31.03.2016 and pay the balance of the arrears with further interest at 9% p.a., from 31.03.2016 till the date of disbursement.

(ii) The respondents shall also consider the case of the petitioner for grant of encashment of 90 days leave on private affairs and if the petitioner is eligible as per the Rules and pay the same also with further interest at the rate of 9% p.a., from 31.03.2016 till the date of disbursement.



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(iii) The respondents shall carry out the above exercise and all the arrears shall be paid within a period of 12 weeks from the date of receipt of a copy of this order. No costs.

27.06.2024

Neutral Citation: No
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To

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



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

3.The General Manager,
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D.BHARATHA CHAKRAVARTHY, J.

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