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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.29191 of 2024

B.Doss

... Petitioner

Vs.

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

2.The Commissioner of 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 the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to disburse the earned leave calculated at the rate of 32 days per year from 1.1.1990 till the date of petitioner's retirement together with interest at of 18 percentage P.A for the



delayed period from 31.3.2014 till the date of payment besides payment of the 90 days leave on private affairs at the earliest.

For Petitioner : Mr.N.Jayabharathi

For Respondents : Mr.V.P.R.Elamparithi
Additional Government Pleader
for R1 and R2

Mr.I.John Arockiados
Standing Counsel for R3

ORDER

This writ petition has been filed for issue of 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 retirement of the petitioner besides the payment of 90 days leave on private affairs together with interest for the delayed period from 31.03.2014 till the date of actual payment.

2.Heard Mr.N.Jayabharathi learned counsel appearing on behalf of the petitioner, Mr.V.P.R.Elamparithi, learned Additional Government Pleader appearing on behalf of respondents 1 and 2 and Mr.I.John Arockiados,learned Standing Counsel appearing on behalf of the 3rd respondent..



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3.The case of the petitioner is that he was in the 3rd respondent Society in the year 1986 and he retired as a Special Grade Electrician on 31.03.2014. The further case of the petitioner is that he had accumulated 240 days of privilege leave which can be encashed on retirement. The petitioner was sending representation in this regard to the respondents. The petitioner is also placing reliance upon the proceedings of the Commissioner dated 25.05.2018, wherein, a decision was taken to implement the same with retrospective effect from 01.01.1990 on par with retired Government employees.

4.The grievance of the petitioner is that in spite of several representations and earlier orders passed by this Court, the representations made by the petitioner has not been considered and the earned leave and the leave on private affairs has not been reimbursed till date. It is under these circumstances, the present writ petition has been filed before this Court.

5.Taking into consideration the facts and circumstances of the case and the earlier orders that were passed by this Court in W.P.No.20657 of 2022 dated 13.10.2022 and W.P.No.3635 of 2024, dated 16.02.2024, there shall be a



direction to the 3rd respondent to deal with the representation made by the petitioner on 10.08.2024 in line with the earlier orders passed by this Court and the amount to which the petitioner is entitled shall be paid with interest from date it was due and payable till the actual date of payment. This process shall be completed, within a period of eight weeks from the date of receipt of copy of this order.

6.The petitioner is directed to make a fresh representation to the 3rd respondent along with all the relevant documents and also a copy of this order. A copy of the representation shall also be marked to the 2nd respondent.

7.This writ petition is disposed of with the above directions. No Costs.

04.10.2024

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr

To



1. The Secretary to Government,
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Chennai – 600 009.
2. The Commissioner of Milk Production and Dairy Development,
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Madhavaram
Chennai – 600 051.
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N. ANAND VENKATESH, J.

SSR

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