



W.P.Nos.32360 & 20262 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.Nos.32360 & 20262 of 2023

K.Ravi	..	Petitioner in W.P.No.32360/23
R.Sivakumar	..	Petitioner in W.P.No.20262/23

Vs.

1. The Government of Tamil Nadu
rep. by the Secretary to Government
Human Resources Management (FR II) Department
Fort St. George, Chennai 600 009.
2. The Agricultural Production Commissioner and
Secretary to Government
Agriculture and Farmers Welfare Department
Fort St. George, Chennai 600 009.
3. The Chief Engineer (Agricultural Engineering)
Anna Salai, Nandanam, Chennai 600 035.
4. The Executive Engineer (Agricultural Engineering)
Thiruvannamalai.



W.P.Nos.32360 & 20262 of 2023

5. The Assistant Executive Engineer
(Agricultural Engineering)
CAD, WM & CAS Unit – I
Cheyyar, Thiruvannamalai District.

.. Respondents in
both W.Ps.

Prayer: Petitions filed under Article 226 of the Constitution of India seeking

(i) a writ of Certiorarified Mandamus to call for the records relating to the impugned order of the first respondent in G.O.(Ms) No.100, Human Resources Management (FR-II) Department, dated 7.9.2022 and quash the same, direct the respondents to pay the Leave Salary (Earned and Unearned Leave) payable to the petitioner within a time limit to be stipulated by this Hon'ble Court and further direct the respondents to pay interest to him at the rate of 12% per annum from 30.11.2022 till the actual date of payment of the said benefits; and

(ii) a writ of Certiorarified Mandamus to call for the records relating to the impugned order of the first respondent in G.O.(Ms) No.100, Human Resources Management (FR-II) Department, dated 7.9.2022 and quash the same, direct the respondents 3 and 4 to pay the Leave Salary (Earned and Unearned Leave) payable to the petitioner within a time limit to be stipulated by this Hon'ble Court and further direct the respondents 3 and 4 to pay interest to him at the rate of 12% per annum from 30.09.2022 till the actual date of payment of the said benefits.

For the Petitioners : Mr.P.Rajendran

For the Respondents : Mr.P.S.Raman
Advocate General
Assisted by
Mr.T.K.Saravanan
Government Advocate



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W.P.Nos.32360 & 20262 of 2023

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.P.Rajendran, learned counsel for the petitioner and Mr.P.S.Raman, learned Advocate General, assisted by Mr.T.K.Saravanan, learned Government Advocate for the respondents.

2. The petitioners are challenging the amendment to Rule 52B of the Fundamental Rules, whereby a person who is dismissed or removed from service is not entitled to Earned Leave or Leave on Private Affairs.

3. It is not disputed that the petitioners are under suspension. They have not yet retired nor dismissed from service. The said provision would apply only if the petitioners are dismissed or removed from service. The departmental enquiry is still pending.

4. Depending upon the result of the departmental enquiry, the petitioners are at liberty to challenge the provisions. In that event, all contentions are kept open.



W.P.Nos.32360 & 20262 of 2023

WEB COPY

5. The writ petitions are disposed of. There shall be no order as to costs. Consequently, W.M.P.Nos.31981, 19594, 19588, 31980 & 19590 of 2023 are closed.

(S.V.G., CJ.)

(D.B.C., J.)

18.03.2024

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

1. The Secretary to Government
Human Resources Management (FR II) Department
Fort St. George, Chennai 600 009.
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