



W.P.(MD)No.22768 of 2017

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.09.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.(MD)No.22768 of 2017

and

W.M.P.(MD)Nos.19077 & 19078 of 2017

D.Thirumaran

... Petitioner

/Vs./

- 1.The Government of India,
Rep. by the Secretary to Government,
Department of Higher Education,
Ministry of Human Resources Development,
Shastri Bhavan,
New Delhi 110 001.
- 2.The Chairman,
University Grants Commission,
Bahadur Shah Zafar Marg,
New Delhi 110 002.
- 3.The Government of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Higher Education Department,
Fort.St.George,
Chennai 600 009.



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4.The Director of Collegiate Education,
Chennai 600 006.

5.The Principal,
Periyar E.V.R. College,
Trichy 620 023.

6.The Principal Accountant General (A & E) Tamilnadu,
Teynampet,
Chennai 600 018.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified mandamus, to call for the records relating to the Order Na.Ka.No.2992/Aa/2015 dated 29.11.2016 passed by the 5th respondent and quash the same and consequently disburse the benefit of encashment of Earned Leave and Unearned Leave or Private Affairs at the credit of the petitioner as on the date of retirement on Superannuation with interest at 12% per annum from the due date (01.02.2016) to the date of payment.

For Petitioner : Mr.A.Thirumurthy

For Respondents : Mr.G.Rajaraman (R1)

Central Government Standing Counsel

Mr.T.Amjad Khan (R3&R4)

Government Advocate

No appearance (R5)

Mr.P.Gunasekaran (R6)



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ORDER

On the last hearing date, ie., on 02.09.2024, the learned Government Advocate appearing for the respondents 3 and 4 submitted on instructions that subsequent to the filing of this writ petition, the petitioner has been sanctioned with encashment of earned leave and unearned leave on private affairs, through proceedings dated 26.08.2019. He also submitted that the petitioner's pay has also been revised as on 31.12.2015 as per the VII Pay Commission Rules and his pension was also revised vide letter dated 20.05.2020. The written instructions received by the Government Pleader's office from the fifth respondent dated 31.08.2024 was also placed on record.

2. On the last hearing date, the learned counsel appearing for the petitioner sought time to get instructions with regard to the written instructions received by the Government Pleader's office from the fifth respondent dated 31.08.2024.



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3. Today, when the matter was taken up for hearing once again, the learned counsel appearing for the petitioner, on instructions, would submit that the submission made by the learned Government Advocate appearing for the respondents 3 and 4 on the last hearing date is correct. However, he would submit that the interest has not been paid by the respondents for the delayed payment.

4. No useful purpose will be served, if this writ petition is kept pending, as the relief sought for in this writ petition has been achieved except for non payment of interest for the delayed payment. For the said purpose, a direction can be issued to the respondents to consider the petitioner's request for payment of interest within a time frame to be fixed by this Court.

5. After recording the facts as observed supra, this writ petition is disposed of. However, liberty is granted to the petitioner to submit a representation to the respondents seeking for payment of interest for the delayed payment and on receipt of the said representation, the fifth respondent is directed to pass final orders on merits and in accordance



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with law, within a period of eight weeks from the date of receipt of the representation from the petitioner. No costs. Consequently, connected miscellaneous petitions are closed.

04.09.2024

Index : Yes / No
NCC : Yes / No
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TO:

- 1.The Principal Secretary to Government,
Higher Education Department,
Fort.St.George,
Chennai 600 009.
- 2.The Director of Collegiate Education,
Chennai 600 006.



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ABDUL QUDDHOSE, J.

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Order made in
W.P.(MD)No.22768 of 2017

Dated:
04.09.2024