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W.P.No.14153 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.14153 of 2023

M.Gunasegaran

... Petitioner

Vs.

1.The Registrar of Co-Operative Societies,
Co-Operative Department,
Puducherry.

2.The Puducherry Co-Operative Urban Bank Limited,
Rep. by its Managing Director,
No.197, Jawaharlal Nehru Street,
Puducherry – 605 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the respondents to disburse the petitioner's earned leave of 211 days amounting to the tune of Rs.3,01,926/- expeditiously.

For Petitioner : Mr.C.Samivel

For Respondent 1 : Mr.S.Ravikumar,
Special Government Pleader

For Respondent 2 : Mr.R.Sreedhar



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ORDER

The petitioner has filed this petition seeking direction to the respondents to disburse the petitioner's earned leave of 211 days amounting to the tune of Rs.3,01,926/- expeditiously.

2. The case of the petitioner is that the petitioner worked as daily rated employee in the second respondent bank for a period of two years. Thereafter, he was regularised on 01.06.1998 as Peon and then as an Assistant in the second respondent bank. Due to health issues, he gave resignation to the second respondent on 28.06.2021, which was accepted on 19.07.2021 and he was retired from service on 31.07.2021. After his retirement, all the retirement benefits have been paid by the second respondent, however, encashment of earned leave of 211 days for a sum of Rs.3,01,926/- has not been paid to the petitioner. Hence, the petitioner made representations dated 06.08.2021 & 22.02.2022 before the second respondent, seeking disbursement of earned leave benefits. But, the same was not considered. Again, the petitioner has sent a representation dated



05.10.2022 to the first respondent, seeking aforesaid relief. However, the same was also not considered. Hence, the petitioner has come forward with the present writ petition.

3. Learned counsel for the petitioner submitted that this Court may permit the petitioner to send a fresh representation to the second respondent, seeking to disburse his earned leave benefits, within a time frame stipulated by this Court.

4. Learned standing counsel appearing for the second respondent submitted that the second respondent bank is facing financial crisis and it is not in a position to pay the earned leave benefits to the petitioner. If the said financial crisis improves in future, the petitioner's earned leave benefits will be settled as expeditiously as possible.

5. Heard the learned counsel on either side and perused the materials available on record.

6. In view of the submissions made by the learned counsel on either



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side, without going into the merits of the case, this Court issues the following directions:

(i) The petitioner is directed to give fresh representation to the second respondent, seeking to disburse the earned leave benefits, within a period of two weeks from the date of receipt of a copy of this order.

(ii) On receipt of the said representation, the second respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law, within a period of eight weeks thereof.

7. This writ petition is disposed of with the aforesaid observation and directions. No costs.

30.01.2025

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Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No



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To:

- 1.The Registrar of Co-Operative Societies,
Co-Operative Department,
Puducherry.
- 2.The Managing Director,
Puducherry Co-Operative Urban Bank Limited,
No.197, Jawaharlal Nehru Street,
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J.SATHYA NARAYANA PRASAD,J.

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