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Writ Petition No.21833 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01/09/2025

C O R A M

THE HONOURABLE Mr.JUSTICE **K.SURENDER**

Writ Petition No.21833 of 2017

V. Vasudevan

...

Petitioner

Vs

1. The Government of Tamil Nadu
rep. By its Secretary to Government
Handloom Handi Crafts Textiles and
Khadi (F 1) Department
Fort St. George, Chennai 9.
2. The Chief Executive Officer
Tamil Nadu Khadi and Village Industries Board
Kuralagam Buildings, Chennai 108.
3. The General Manager
Tamil Nadu Khadi and Village Industries
Kuralagam Buildings, Chennai 108.
4. The Assistant Department Officer (Soap)
Soap Unit, Thirukazhukundram.

...Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the respondents to grant the petitioner his encashment of unearned leave on private affairs of Rs.1,24,140/- as per the order R.E.No.125/A1/13 dated 23/06/2014 issued by the third respondent read with order dated Na.Ka.ND.2/Ku.So.A/2014 dated 30/06/2014 issued by the fourth respondent within the time stipulated by this Court.



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For petitioner ... Mr.S.Meenakshi

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For respondents ... Mr.V.Ravi
Special Government Pleader for R1
Mr.C.Rajakumar for R2 and R3
Not ready notice – for R.4

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ORDER

This writ petition has been filed to direct the respondents to grant the petitioner his encashment of unearned leave on private affairs of Rs.1,24,140/- as per the order R.E.No.125/A1/13 dated 23/06/2014 issued by the third respondent read with Na.Ka.ND.2/Ku.So.A/2014 dated 30/06/2014 issued by the fourth respondent.

2. The Writ Petition has been filed by the petitioner, aggrieved by the respondents' failure to pay the amount of Rs.1,24,140/- sanctioned towards unearned leave. The said sanction was passed on 23.06.2014 vide Rc.No.125/A1/13 by the third respondent.

3. Despite the sanction and necessary orders being passed to disburse the amount vide Rc.No.125/A1/13, dated 23.06.2014, the said amount was not disbursed.

4. The learned counsel appearing on behalf of the respondent submits



that the payment of unearned leave was previously discontinued and the department has sent a proposal to the Government for sanctioning the amount for payment towards unearned leave.

5. Having passed the relevant orders, the question of refraining from making such payment does not arise. Further, the Division Bench of this court in W.A.No.1352 of 2015 and etc., batch dated 29.06.2016 has held as follows:

“17. In the circumstances, just because there is no provision in the Service Rules of the 2nd appellant-Board to grant unearned leave on private affairs and that the Government had not taken any Policy decision yet in the matter in view of the financial burden and the Board is running in loss and the very same provision not included in the Standing Order or bye-law of the 2nd appellant-Board, it does not necessarily mean that the claim of the employees for such benefit has to be rejected outrightly.

18. As for as the contention of the learned Additional Advocate General in respect of financial burden and the Board is running in loss etc., are concerned, we are of the considered view that mere financial burden could not be taken into consideration while extending the benefit to employees, which is already in existence in case of other Governmental entities. It is nothing but a very discrimination among the employees working in different organizations of the



Governmental Body. The rejection of the claim of the employees solely based on the point of the Board running in loss on the ground that some Governmental Entities running in profit only could grant the benefits stated in G.O.Ms.No.488 dated 12.08.1996 and the other Corporations/Boards, which is running in loss cannot be extended with the said benefits cannot be sustained at all since the said decision is nothing but causing a discrimination among the employees, which will create a lack of motivation among the employees which would result in the employees not thriving to make it as a Profit running Board, particularly, when the undertaking is in loss. Further, in our considered view, the extension of benefit of G.O.Ms.No.488, Finance (Pension) Department dated 12.08.1996, would be a motivating factor for running the Undertaking in Profit and as such, the appellants herein shall take earnest steps to extend the benefits of encashment of 50% of the unearned leave on private affairs, standing on the credit of employees and incorporate the same in the Rules/Bye-Laws of the Board. Even otherwise, in the present context, pursuant to the G.O.Ms.No.488, Finance (Pension) Department dated 12.08.1996, since the Government had already incorporated such a provision, it is an admitted position that such a provision is prevailing. The above said G.O., enures to the benefit of employees of Government and as such, the said G.O., cannot be denied in respect of 1st respondent(S) in the present Writ Appeals, just because, they are working in 2nd appellant-Board.”



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6. In view of the above judgment of the Division Bench of this Court, this Court deems it appropriate to direct the respondents to consider the benefits of payment of unearned leave as ordered on 23.06.2014 vide Rc.No.125/A1/13, within a period of eight weeks from the date of receipt of copy of this order.

7. With the above observations and direction, this Writ Petition is allowed. No costs.

K.SURENDER,J

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1 September, 2025

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Index: yes/No

Neutral Citation: Yes/No



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This writ petition is listed under the caption, ‘being mentioned’ at the instance of the learned counsel for the petitioner.

2. It is informed that in the appearance portion, the name of the learned counsel for the petitioner has been wrongly mentioned as Mr.K.G.Senthilkumar instead of Ms.S.Meenakshi.

3. In view of the above, Registry is directed to make necessary correction in the appearance portion by correcting the name as “Ms.S.Meenakshi” and issue fresh copy of the order.

18.12.2025

RR