



W.P.(MD)No.2286 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.01.2025

CORAM:

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.2286 of 2025

Suganthi

... Petitioner

Vs.

1. The Director General,
Highways and Minor Ports Department,
Guindy,
Chennai.

2. The Divisional Engineer,
Department of Highways (Construction and Maintenance),
Pudukottai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the respondents to disburse the leave salary to the petitioner in the light of the G.O.Ms.No.409, Finance (Pension) Department, dated 31.07.2004 with 12% interest per annum till the date of realization of the amount.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr.D.Sasi Kumar
Additional Government Pleader



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ORDER

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Mr.D.Sasikumar, learned Additional Government Pleader takes notice on behalf of the respondents.

2. The instant writ petition has been filed by an Assistant Engineer seeking a mandamus to direct the respondents to disburse the leave salary to the petitioner in the light of G.O.Ms.No.409 Finance (Pension) Department dated 31.07.2004 with interest.

3. According to the learned counsel for the petitioner, though the petitioner had attained the age of superannuation on 29.02.2024, the 1st respondent has issued proceedings on 28.02.2024, permitting her to retire from services without prejudice to the disciplinary proceedings. The learned counsel for the petitioner relies upon G.O.Ms.No.409 Finance (Pension) Department dated 31.07.2004, which is applicable to those who are permitted to retire without prejudice to the disciplinary proceedings. As per the said Government Order, the encashment of leave salary at the time of retirement shall also be released.



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4. The learned counsel for the petitioner submits that the petitioner has given a representation to the respondent on 09.12.2024, since the same was not considered, the present writ petition has been filed.

5. Considering the above said facts, the 2nd respondent herein is directed to consider the representation of the petitioner dated 09.12.2024 in the light of G.O.Ms.No.409 Finance (Pension) Department dated 31.07.2004 and release the eligible benefits to the writ petitioner within a period of 12 weeks from the date of receipt of a copy of this order.

6. The writ petition stands disposed of with the above observations and directions. No costs.

28.01.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm



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R.VIJAYAKUMAR, J.

rgm

To

1. The Director General,
Highways and Minor Ports Department,
Guindy,
Chennai.
2. The Divisional Engineer,
Department of Highways (Construction and Maintenance),
Pudukottai.

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