



W.P.(MD)No.17003 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD) No.17003 of 2025

P.Thassian

: Petitioner

Vs.

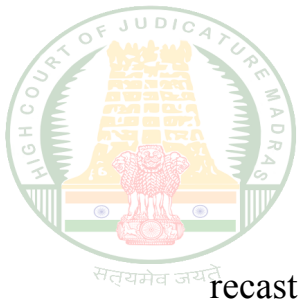
1. The Chief Executive Officer,
Tamil Nadu Khadi and Village Industries Board,
Kuralagam Building,
5th Floor,
Chennai - 600 108.

2. The Assistant Director,
Khadi and Village Industries,
Collectorate Complex,
Nagercoil,
Kanniyakumari District.

3. Marthandam Bee-Keepers Co-Operative Society Limited No.2050,
Represented by its President,
Nalloor Village,
Marthandam Post,
Vilavancode Taluk,
Kanyakumari District.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to



W.P.(MD)No.17003 of 2025

recast the petitioner's Earned Leave from 17.02.1995, i.e. the date of G.O. (2D) No.15 Cooperation, Food and Consumer Protection Department and disburse the balance amount on encashment of 187 days of balance of Earned Leave as on petitioners retirement on 31.03.2014 ie. Rs.1,47,617/- along with interest at 12 percent per annum for the period from 01.04.2014 to the date of disbursement within a time limit to be fixed by this Court.

For Petitioner : Mr.S.Suresh Kumar
For Respondent : Mr.C.Rajakumar for R1 and R2
Mr.S.C.Herold Singh for R3

ORDER

The writ petition has been filed for the issuance of a writ of Mandamus, directing the respondents to recast the petitioner's Earned Leave from 17.02.1995, i.e., the date of G.O. (2D) No.15, Cooperation, Food and Consumer Protection Department, and to disburse the balance amount towards encashment of 187 days of Earned Leave as on the petitioner's retirement on 31.03.2014, i.e., a sum of Rs.1,47,617/-, along with interest at the rate of 12% per annum for the period from 01.04.2014 till the date of disbursement, within a time frame to be fixed by this Court.



W.P.(MD)No.17003 of 2025

WEB COPY

2. Heard the learned counsel for the parties. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The petitioner asserts that he joined the third respondent society on 01.08.1981 and retired as Manager on 31.03.2014. His grievance is that, despite submitting a detailed representation dated 29.03.2025 to the respondents requesting disbursement of the balance amount towards encashment of Earned Leave based on the letter dated 13.04.2015 and as ordered in G.O. (2D) No.15, Cooperation, Food and Consumer Protection Department, dated 17.02.1995, no action has been taken on the said representation. Hence, the petitioner has filed the present writ petition.

4. The learned counsel for the petitioner would submit that, it would suffice, if this Court issues a direction to the third respondent to consider the representation of the petitioner and pass appropriate orders, within a time frame that may be stipulated by this court.



W.P.(MD)No.17003 of 2025

WEB COPY

5. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of India and direct them to consider the same within a stipulated time.

6. In the light of the above observations, there shall be a direction to the third respondent to consider the petitioner's representation dated 29.03.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as all other persons, who may be interested in the subject matter, within a period of two months from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the third respondent to consider the same on its own merits.



W.P.(MD)No.17003 of 2025

WEB COPY

7. With the above directions, the Writ Petition stands

disposed of. There shall be no order as to costs.

24.06.2025

Index : Yes / No

Internet : Yes / No

PKN

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W.P.(MD)No.17003 of 2025

VIVEK KUMAR SINGH, J.

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W.P.(MD) No.17003 of 2025

24.06.2025