



W.P.(MD)No.24521 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.24521 of 2024

C.Govindaraj

... Petitioner

-VS-

1.The District Collector,
Theni, Theni District.

2.The Personnel Assistant to the District Collector
(Panchayat Development),
District Collector Office Building,
Theni, Theni District.

3.The Commissioner of Panchayat Union,
Office of the Panchayat Union,
Uthamapalayam Post and Taluk,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to disburse the amount on encashment of earned leave and unearned leave (Private affairs) in the credit of leave account of the petitioner and also special provident fund amount to the petitioner in the light of the Government Letter No.24275A/F.R.III/87-2 of P and A.R (F.R.III) Department, dated 27.04.1987, by considering his representation dated 13.09.2024, within the period that may be stipulated by this Court.



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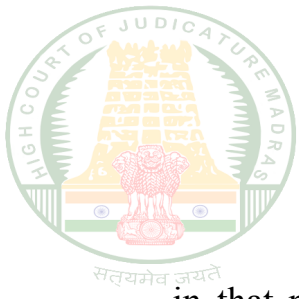
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For Petitioner : Mr.K.Ponnaiah
For R1 and R2 : Mr.K.Balasubramani
Special Government Pleader
For R3 : Mr.G.Suriya Ananth
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the respondents to disburse the amounts due to the petitioner towards encashment of earned leave and unearned leave (on private affairs) standing to his credit in the leave account, as well as the Special Provident Fund amount, in accordance with the Government Letter No.24275A/F.R.III/87-2 of the Personnel and Administrative Reforms (F.R.III) Department, dated 27.04.1987, by considering the petitioner's representation dated 13.09.2024, within a time frame that may be fixed by this Court.

2. According to the petitioner, he was initially appointed as 'Watchman' in the Office of the third respondent through proceedings in Na.Ka.A1/5410/90 dated 16.05.1991. He was subsequently promoted as 'Office Assistant' by the second respondent in Na.Ka.No.K16/197024/92 dated 29.11.1992 and his service



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in that post was regularized by the third respondent in proceedings Na.Ka.No. 4785/93/AI dated 22.03.1994. The petitioner was awarded Selection Grade and Special Grade and was allowed to retire from service on attaining the age of superannuation on 30.04.2022, as per proceedings of the third respondent in Na.Ka.No.2384/2022/AI, dated 28.04.2022. However, the Principal Secretary to Government, Rural Development and Local Administration Department, by Letter No.11838/Pa.Aa.5(2)/2022-1 dated 04.11.2022, rejected the proposal for regularization of the petitioner's initial service as 'Watchman'. The said rejection order was set aside by this Court in W.P.(MD)No.28258 of 2023, by order dated 19.08.2024, with a direction to reconsider the regularization of the petitioner's service. Despite the petitioner's retirement on 30.04.2022, the respondents have not disbursed the benefits due to him, including:

- (i) Encashment of earned leave and unearned leave (on private affairs)
- (ii) Special Provident Fund
- (iii) Pensionary benefits, including Pension, Commutation and DCRG

3. The petitioner made a detailed representation on 13.09.2024, requesting the disbursement of the above benefits, but no action has been taken so far, even



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after a lapse of over 2 years and 6 months from the date of retirement. The Government, in its Letter No.24275A/F.R.III/87-2, dated 27.04.1987, has clearly stipulated that earned leave should be encashed on the date of retirement. Non-compliance with this mandate in the petitioner's case is arbitrary and unjust. Due to the delay in disbursement of his rightful retirement benefits, the petitioner is left without any source of income, causing severe mental agony and financial hardship. Hence, the petitioner is constrained to file this writ petition, seeking a direction to the respondents to disburse the said retirement and leave encashment benefits without further delay, based on his representation dated 13.09.2024.

4. Heard both sides.

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



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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 first respondent to consider the representation of the petitioner, dated 13.09.2024, on its own merits and pass appropriate orders in accordance with law, within a period of six weeks 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 first respondent to consider the same on its own merits.

7. With the above observations and directions, the Writ Petition stands disposed of. There shall be no order as to costs.

NCC : Yes / No

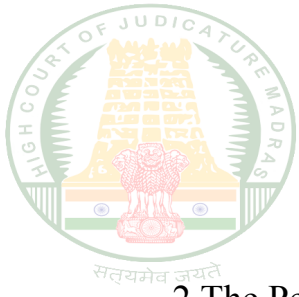
Index : Yes / No

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VIVEK KUMAR SINGH, J.

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