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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-07-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WA No. 2344 of 2024

N.Subramanian
S/o. Narayanaswamy,
D.No.10/1078, Mogappair East, Chennai - 037.

..Appellant(s)

Vs

1. The Secretary
Ministry of Commerce and Industry,
Department of Commerce, (Ministry of
Commerce and Industry, Govt. of India) Udyog
Bhawan, New Delhi – 011.
2. The Chairman
Additional Secretary, Export Inspection Council
(EIC) (Ministry of Commerce and Industry,
Govt. of India) Room No. 162 B, No. 287,
Udyog Bhawan, New Delhi-110 023.
3. The Director (I & Q C)
Export Inspection Council, (Ministry of
Commerce and Industry, Govt. of India) 2nd
Floor, B-Plate, Block-I Commercial Complex,
East Kidwai Nagar, New Delhi-110 023.
4. The Joint Director
Export Inspection Agency-Chennai, (Ministry of
Commerce and Industry, Govt. of India). 6th
Floor, C.M.D.A. Tower II, No.1, Gandhi Irvin
Road, Egmore, Chennai-600 008.
5. Department Of Personnel And Training
Ministry of Personnel, P G and Pensions
Government of India, North Block,
New Delhi- 110 001.

..Respondent(s)



Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 27.02.2024 passed in WP No.1766 of 2022 and to the pass such further or other orders as may be deemed fit and proper in the circumstances of the case and thus render justice.

For Appellant: Ms.P.Jayalakshmi

For Respondents: Mr.K.Subbu Ranga Bharathi

JUDGMENT

(Judgment of the Court was delivered by S.M.Subramaniam J.)

The present intra Court appeal has been instituted challenging the writ order dated 27.02.2024 passed in W.P.No.1766 of 2022

2. The writ petitioner is the appellant. The appellant joined as Group-D employee in the Department of Export Inspection Agency under the Ministry of Commerce, Government of India, in the year 1983. The leave encashment for a period of 300 days was permitted for the entire services rendered by an employee. In the present case, admittedly, the appellant had surrendered 158 days of leave for encashment during 01.01.1986 to 20.01.1994. Till his retirement, he is eligible for 285 days leave accrued, but he had already encashed for 158 days of leave. However, the balance leave was encashed at the time of retirement. Thus, the encashment of leave for the entire 285 days had been calculated and disbursed to the appellant.

3. The learned counsel for the appellant relied on the letter written by one Mr.K.J.Srivastava Additional Director addressed to Shri.S.Talukdar, Deputy Director Incharge on 29.12.1999. The letter states that after debiting



the earned leave, the earned leave encashed during of 01.01.1986 to 03.01.1994 shall be treated as not availed the encashment during the period.

In the present case, the petitioner has availed the encashment of 158 days of leave from 01.01.1986 to 20.01.1994. Relying on the said letter, the appellant has once again, claiming the benefit for the said period.

4. This Court is of the considered view that the said letter *per se* would not confer any right to claim double monetary benefits. In the present case, the appellant availed encashment of leave for 285 days in entirety and therefore, any further payment for encashment of leave is impermissible.

5. Even if the learned counsel for the appellant says that the encashed leave period of 158 days was debited, the fact remains that he has received the monetary benefit for the said 158 days long before. Thus, there cannot be any double monetary benefits in the same benefit of leave encashment. The writ Court has rightly rejected the writ petition by appreciating the facts of the present case. Thus, the Writ Appeal is dismissed. No costs.

(S.M.S.,J.) (N.S.,J.)
01-07-2026

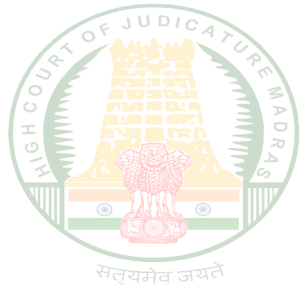
Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

VSI



To

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**S.M.SUBRAMANIAM, J.
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N.SENTHILKUMAR, J.**

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