

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 15.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.[MD].No. 716 and 718 of 2017
and
CMP(MD).Nos. 5480 and 5482 of 2017

The Managing Director,
Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Bye Pass Road,
Madurai - 625016.

:Appellant in both WAS

Vs.

P.Karunanidhi

: Respondent in WA 716/17

G.Thavasiappan

: Respondent in WA 718/17

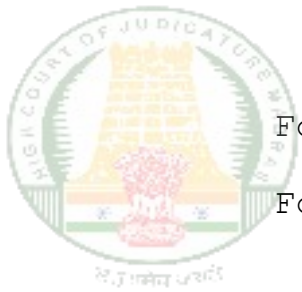
PRAYER:The Writ Appeal is filed under Clause 15 of Letters Patents Act, against the order dated 12.06.2014 passed in W.P.(MD). No.5915 of 2013 and the order dated 17.06.2014 passed in W.P.No.17164 of 2013 respectively.

Prayer in WP(MD). 5915/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to pay a sum of Rs.92,024/- payable by way of difference amount of encashment of earned leave between the encashment of earned leave paid based on the pre-revised scale and the encashment of earned leave payable based on the revised scale along with 18% interest to the petitioner.

Prayer in WP(MD). 17164/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, in the nature of writ, directing the respondent to pay the petitioner a sum of Rs.80,888/- being the difference amount of encashment of earned leave, payable consequent on the revised scale of pay implemented as per the 6th pay commission report, along with 18% interest and to pass such other or further orders.



For Appellant
in both WAs
For Respondent
in both WAs

:Mr.A.P.Muthupandian.
:Mr.C.Thangamani.

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JUDGMENT

[Judgment of the Court was made by **T.S.SIVAGNANAM, J.**]

These appeals are directed against the order dated 12.06.2014 passed in W.P.(MD).No.5915 of 2013 and the order dated 17.06.2014 passed in W.P.No.17164 of 2013 respectively.

2.The respondents/ writ petitioners sought for direction upon the appellant for payment of difference amount of encashment of earned leave paid based on the prerevised scale and encashment of earned leave payable based on the revised scale along with interest at 18 percent per annum. The Writ Court allowed the writ petition as prayed for. This appeal by the State Transport Corporation is mainly on the ground that they are suffered from financial crisis for payment and the further direction to pay interest at 18 percent is also challenged.

3.We have heard the learned Standing Counsel appearing for the appellant and the learned counsel appearing for the respondent/writ petitioner.

4.Considering the fact that the amount which has been claimed by the respondent/ writ petitioner is a lawful entitlement, the appellant corporation cannot resist the claim and cannot refuse to pay the same.

5.Further taking note of the financial difficulties faced by the appellant corporation, we are inclined to grant some direction to the appellant corporation to pay the amount along with a reasonable interest on account of the fact that the amount ought to have been settled longback.

6.In the light of the same we direct the appellant corporation to pay the difference amount of encashment of earned leave to the respondents/writ petitioners within a period of six months from the date of receipt of copy of this order together with interest at 6 % per annum till the date of realisation.

7. Therefore, with the above observations and direction the writ appeals are disposed of. No Costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar()



To

The Managing Director,
Tamil Nadu State Transport Corporation
(Madurai) Ltd.,
Bye Pass Road,
Madurai - 625016.

+2cc to M/S. C.THANGAMANI, Advocate, SR.No.60774 & 60775.

W.A.[MD].No. 716 and 718 of 2017
and
CMP(MD).Nos. 5480 and 5482 of 2017
15.06.2017

dsk/rmk
SDS/SKN:RSK/SAR 1/07.07.2017/3P/4C