



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2017

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.13912 of 2017

G.Rajendran

... Petitioner

-vs-

The Management of
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Trichy Region,
Rep. by its General Manager,
Trichy

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondent to pay the petitioner Rs.99519/- towards encashment of 98 days of earned leaves, after correctly fixing/revising his monthly wages payable on the month of his retirement as per G.O. (Ms) No.81 Transport Department, Government of Tamilnadu, Dated 16.09.2016 together with 18% interest per annum along with interest amount towards the delayed payment of EPF Employee's Contribution Rs.3,42,092/- for the period from 01.04.2016 to 21.10.2016 at the same rate, within a time frame as may be fixed by this Court.

For Petitioner : Mr.S.Arunachalam

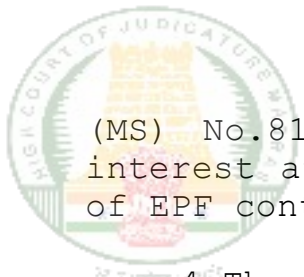
For Respondent : Mr.D.Sivaraman
standing counsel

ORDER

By consent of both sides, the writ petition is taken up for final disposal.

2.Mr.D.Sivaraman, standing counsel, takes notice for the respondent.

3.The petitioner having served as Tradesman, after retirement from service with effect from 31.03.2016, on reaching the age of superannuation, has come to this Court seeking a writ of mandamus directing the respondent to pay Rs.99,519/-, towards encashment of 98 days of earned leave, after correctly fixing/revising his monthly wages payable on the month of his retirement as per G.O.



(MS) No.81 Transport Department, dated 16.09.2016 together with interest at the rate of 18% per annum towards the delayed payment of EPF contribution.

4. The petitioner has been paid with all other retirement benefits except the encashment of 98 days of earned leave. Hence, he has given a representation to the respondent to disburse the same, after correctly revising his monthly wages payable at the month of retirement as per G.O.Ms.No.81 Transport Department. However, the same has not been considered and therefore, the petitioner is before this Court with this writ petition.

5. The learned counsel for the respondent, on instructions, sought six months time to disburse the entire amount, since the petitioner was disbursed with all the retiral benefits, for the encashment of leave salary, treating it as a special case, the respondent may be given six months time to clear all the dues with six equal installments along with interest.

6. Recording the same, the respondent is directed to consider the representation of the petitioner and disburse the encashment of 98 days of earned leave within 6 equal monthly installments and the first installment shall commence from September 2017 with interest at the rate of 6%.

7. The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar

+1 cc to Mr.D.Sivaraman , Advocate in SR.No. 68090

+1 cc to Mr.S.Arunachalam , Advocate in SR.No. 68458

RR

AE/SKN RSK/SAR3/17.08.2017/2P/3C

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