



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.06.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P (MD) No.13338 of 2018

A.Susilamarry

... Petitioner

Vs.

Tamil Nadu Transport Corporation,
Kumbakonam Region represented
by its General Manager, Kumbakonam.

... Respondent

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to consider the representation dated 17.02.2018 for encashment of unavailed leave on superannuation for a period of 139 days and to pass such other order as may be necessary within the time stipulated by this Court.

For Petitioners : Mr.S.Jayavel
For Respondent : Mr.D.Sivaraman

ORDER

The prayer sought for in this writ petition is for a writ of mandamus, directing the respondent to consider the representation dated 17.02.2018 for encashment of unavailed leave on superannuation for a period of 139 days and to pass such other order as may be necessary within the time stipulated by this Court.

2.Heard Mr.S.Jayavel, learned counsel appearing for the petitioner and Mr.D.Sivaraman, learned standing counsel appearing for the respondent.

3.The petitioner was working as Special Office Assistant at the respondent Corporation and after service for long years, retired on superannuation on 31.08.2015. Thereafter, the retiral benefits were not given to the petitioner. Therefore, she approached this Court and got an order in W.P.(MD) No.13532 of 2016. Pursuant to which, the retiral benefits of the petitioner was given. However, out of 379 days encashment of leave surrendered by the petitioner, only the amount equal to 240 days was given and remaining 139 days encashment of leave has not so far been disbursed to the petitioner. Therefore, the petitioner is before this Court.



4. The learned counsel appearing for the petitioner would submit that in this regard, the petitioner has given representation on 17.02.2018 to the respondent and if the said representation is directed to be considered, within a time frame, on merits and in accordance with law, the petitioner would be satisfied.

5. I have heard Mr. D. Sivaraman, learned standing counsel appearing for the respondent, who would submit that the said request of the petitioner dated 17.02.2018 would be considered on merits and in accordance with law and an order to that would be passed, within a time frame.

6. Considering the said submissions made by both sides, this Court is inclined to pass the following order:

"The respondent is directed to pass orders on the representation of the petitioner dated 17.02.2018, with regard to the encashment of leave salary on merits and in accordance with law and such order shall be passed, within a period of six weeks from the date of receipt of a copy of this order".

7. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

+1CC to Mr. D. Sivaraman Advocate in SR.No.69523.

+1CC to Mr. S. Jayavel Advocate in SR.No.69594.

ARUL

DS/SV/SAR-2 :11.07.2018: 2P/3C

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