



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2018

CORAM

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THE HON'BLE MR.JUSTICE S.VAIDYANATHANW.P.(MD) No.22014 of 2018

1.P.Sengayan

Staff No.89 AD 2033/50-4,
(Administration Level -5 - Retd),
Son of S.Poosari,
D.No.48/1, Karumariyamman Koil Street,
T.Pettai Road,
Musiri,
Trichy District - 621 211.

2.P.Murugesan,

Staff No.92 DR 2149/5322,
(Special Grade Driver-Retd.,)
Son of Palani,
Door No.115-B, Gangai Road,
Deeran Maanagar,
Manikandam Union,
Nagamangalam Post,
Trichy - 12.

... Petitioners

Vs.

1.The Government of Tamil Nadu,
represented by its Secretary
to Government,
Transport Department,
Secretariat,
Chennai - 600 009.

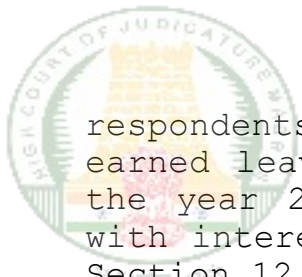
2.The General manager,

Tamil Nadu State Transport Corporation(Kumbakonam) Limited,
Trichy Region,
Periyamilaguparai,
Trichy.

3.The Administrator,

Tamil Nadu State Transport
Corporation Employees Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai - 600 002.

.. Respondents



respondents to settle the Petitioners benefit of encashment of earned leave surrendered by them before the third respondent from the year 2010 to till the date of retirement of the Petitioners with interest at 18% as per the 1998 Wage Settlement effect under Section 12(3) of the Industrial Disputes Act, 1947.

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For Petitioners : Mr.N.Sudhagar Nagaraj

For Respondent-1 : Mr.S.Dhayalan
Government Advocate

For Respondent-2 : Mr.D.Sivaraman

For Respondent-3 : Mr.A.P.Muthupandian
Standing Counsel

O R D E R

This Writ Petition has been filed, seeking a direction to the respondents to settle the Petitioners benefit of encashment of earned leave surrendered by them before the third respondent from the year 2010 to till the date of retirement of the Petitioners with interest at 18% as per the 1998 Wage Settlement under Section 12(3) of the Industrial Disputes Act, 1947.

2.Mr.S.Dhayalan, learned Government Advocate takes notice for the first respondent, Mr.D.Sivaraman, learned counsel takes notice for the second respondent and Mr.A.P.Muthupandian, learned Standing Counsel takes notice for the third respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The case of the first petitioner/P.Sengayan is that the he has retired as Administration Level-5 from the respondents/Corporation on 30.4.2018. His benefit of encashment of 135 days(from 2010 to 2018) of Earned Leave Surrendered by him before his retirement,has not been disbursed to him. So also the second Petitioner/Mr.P.Murugesan, has retired as Special Grade Driver from the respondents Corporation on 31.1.2017. His benefit of encashment of 105 days(2010-2017) has not been disbursed to him and hence, both the Petitioners have jointly submitted a representation to the respondents on 17.09.2018 and since the said representation did not evoke any response, the petitioners are before this Court for the relief stated supra.

4. The counsel for the respondents would submit that it is agreeable for the respondents concerned to consider the representation of the petitioners in accordance with law, within the time stipulated by this Court.

5.In view of the submission, the respondents concerned is directed to consider the representation of the petitioners, dated



17.09.2018 and pass appropriate orders on the same in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, if there is no other legal impediments to do so.

6. With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The Secretary,
Government of Tamil Nadu,
represented by its
to Government,
Transport Department,
Secretariat,
Chennai - 600 009.

2. The General manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Trichy Region,
Periyamilaguparai,
Trichy.

3. The Administrator,
Tamil Nadu State Transport
Corporation Employees Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai - 600 002.

+1cc to Mr.D.Sivaraman, Advocate, Sr.No.93227.
+1cc to Mr.N.Sudhagar Nagaraj, Advocate, Sr.No.93011.
+1cc to Special Government Pleader, Sr.No.92964.

W.P. (MD) No.22014 of 2018
29.10.2018

vsn

RAM-PS/SKN/SAR 4/14.12.2018/3P/7C