



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

W.P. (MD) No.13829 of 2019

K.Marimuthu

... Petitioner

Vs.

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

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondent to pay the petitioner the amount towards the encashment of 45 days of earned leave surrendered by him in the years 2009, 2010 and 2012 before his retirement either based on his monthly wages of the respective months of surrender of those earned leave, together with 18% interest p.a., from the respective due dates or based on the monthly wages payable on the month of his retirement, together with 18% interest from the date of his retirement, within a time frame as may be fixed by this Court.

For Petitioner : Mr.S.Arunachalam

For Respondent : Mr.J.Senthil Kumariah

ORDER

This Writ Petition has been filed seeking a direction to the respondent to pay the petitioner, the amount towards the encashment of 45 days of earned leave surrendered by him in the years 2009, 2010 and 2012 before his retirement either based on his monthly wages of the respective months of surrender of those earned leave, together with 18% interest p.a., from the respective due dates or based on the monthly wages payable on the month of his retirement, together with 18% interest from the date of his retirement, within a time frame as may be fixed by this Court.

2.Mr.J.Senthil Kumariah, learned Standing Counsel takes notice for the respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.According to the petitioner, he was appointed as Conductor in the respondent Corporation on 29.03.1984. After completion of more than 31 years of service and working as Special Grade Conductor in the respondent Corporation, the petitioner was retired from service on 31.05.2015 on reaching the age of superannuation, but, till date, the respondent fails to settle the amount payable towards



45 days of earned leave, which were surrendered by the petitioner long before his retirement that is, in the years 2009, 2010 and 2012. In this regard, the petitioner has sent a representation dated 07.02.2019 to the respondent and the same was not considered by him till date, hence, the present Writ Petition.

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4.The learned Standing Counsel appearing for the respondent submitted that the respondent would consider and pass appropriate orders on the petitioner's representation, within a time frame to be fixed by this Court.

5.Recording the above said submission made by the learned Standing Counsel appearing for the respondent, without going into the merits of the case, this Court directs the respondent to consider the petitioner's representation dated 07.02.2019 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6.This Writ Petition is disposed of, with the above direction. No costs.

Sd/-

Assistant Registrar (A.E)

// True Copy //

Sub Assistant Registrar(CS)

To

The General Manager,
The Management of Tamil Nadu
State Transport Corporation (Madurai) Ltd.,
Dindigul Region,
Dindigul.

+1 CC to Mr.J.SENTHIL KUMARAIAH, Advocate SR-70136.
+1 CC to Mr.S.ARUNACHALAM, Advocate SR-70809.

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20.06.2019

CS: (09/07/2019) 3P 4C