

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.1052 of 2020

K.Balakrishnan

Petitioner

vs.

The Management of
Tamilnadu State Transport Corporation (Kovai) Ltd.,
Coimbatore Region,
Rep. by its Managing Director,
Coimbatore.

Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to pay the petitioner the amount payable toward the encashment of 45 days of earned leaves, surrendered by him in the years before his retirement as admitted by the respondent, either based on his monthly wages of the respective months of surrender of those earned leaves, 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.V.Ajay Khose

For Respondent : Mr.A.Sundaravadhanan
Standing Counsel

This writ petition has been filed for issuance of writ of mandamus directing the respondent to pay the petitioner the amount payable towards the encashment of earned leave surrendered by the petitioner along with interest.

2.The case of the petitioner is that he joined the services of the respondent Corporation in the year 1979 and he retired from the services in the year 2017. According to the petitioner, the Corporation has to make payment towards encashment of the earned leave which has already been determined by the Corporation by their letter dated 07.08.2018. The petitioner has made a representation to the Corporation in this regard on 11.11.2019. Since it did not

evoke any response, the present writ petition has been filed seeking for appropriate directions.

3.Heard Mr.V.Ajay K, learned counsel appearing on behalf of the petitioner and Mr.A.Sundaravadhanam, learned Standing Counsel appearing on behalf of the respondent.

4.In the present case, the petitioner is only seeking for the encashment of earned leave which has already been determined by the Transport Corporation by its letter dated 07.08.2018. There is obviously a delay in paying this amount to the petitioner to which the petitioner is entitled.

5.In view of the above, there shall be a direction to the respondent to consider the representation made by the petitioner on 11.11.2019 and pay the encashment of the surrendered earned leave which has already been determined by the Corporation, along with 6% interest, within a period of six weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the respondent along with a copy of the representation dated 11.11.2019 and also a copy of this order.

6.This writ petition is disposed of with the above direction. No Costs.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

ssr

To

The Managing Director,
Tamilnadu State Transport Corporation (Kovai) Ltd.,
Coimbatore Region,
Coimbatore.

+lcc to Mr.V.Ajoykhose, Advocate SR.4075

+lcc to Mr.A.Sundaravadhanan, Advocate SR.3975

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KK(CO)
CB(21/02/2020)