



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **12.08.2020**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)Nos.9096, 9099, 9100 and 9101 of 2020

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C.Krishnamoorthy	... Petitioner in W.P(MD).No.9096 of 2020
S.Jayachandran	... Petitioner in W.P(MD).No.9099 of 2020
S.James	... Petitioner in W.P(MD).No.9100 of 2020
P.R.Jeevan	... Petitioner in W.P(MD).No.9101 of 2020

-Vs-

The Managing Director,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
New Railway Station Road,
Kumbakonam 612 001. ...Respondent in all petitions

COMMON PRAYER: Writ Petitions filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondent to pay the difference amount of encashment of earned leave based on the revised scale of pay as per the 6th pay commission report with 6% interest.

In all petitions

For Petitioners	: Mr.C.Thangamani in all W.P's
For Respondent	: Mr.P.Balasubramanian Standing Counsel

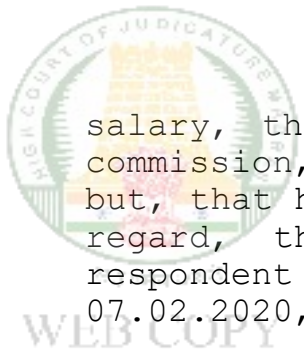
COMMON ORDER

The prayer sought for herein is for a Writ of Mandamus, to direct the respondent to pay the difference amount of encashment of earned leave based on the revised scale of pay as per the 6th pay commission report with 6% interest.

2.Heard Mr.C.Thangamani, learned counsel appearing for the petitioners and Mr.P.Balasubramanian, learned Standing Counsel appearing for the respondent.

3.Since the issue raised in all these writ petitions are one and the same, with consent of both the learned counsel appearing for the parties, all these writ petitions are taken up for disposal at the admission stage itself by passing this common order.

4.The respective petitioners in these batch of cases are the retired employees of the respondent Transport Corporation. After retirement, they seems to have obtained other retiral benefits. However, in this regard, the only grievance of the respective petitioners is that, with regard to the encashment of earned leave



salary, the difference of revised scale of pay as per sixth pay commission, should have been given to the respective petitioners, but, that has not been calculated and be paid and therefore, in this regard, the respective petitioners have given request to the respondent on various dates, the last such representation is dated 07.02.2020, 10.02.2020, 21.02.2020 and 27.02.2020 respectively.

5.Since those representations have not been considered, the petitioners are before this Court seeking a writ of mandamus as prayed herein above.

6.The learned counsel appearing for the petitioners would submit that, the issue raised in these writ petitions is already covered or decided in a number of cases, where the learned counsel drew the attention of this Court to the Division Bench order made in W.A(MD).Nos.716 and 718 of 2017 in the matter of The **Managing Director Tamil Nadu State Transport Corporation, Madurai Limited, Madurai Vs., P.Karunanidhi and others** dated 15.06.2017, where the learned counsel has quoted the following:

'.....

3.We have heard the learned Standing Counsel appearing for the appellant and the learned counsel appearing for the respondent/writ petitioner.

4.Considering the fact that the amount which has been claimed by the respondent/ writ petitioner is a lawful entitlement, the appellant corporation cannot resist the claim and cannot refuse to pay the same.

5.Further taking note of the financial difficulties faced by the appellent corporation, we are inclined to grant some direction to the appellant corporation to pay the amount along with a reasonable interest on account of the fact that the amount ought to have been settled longback.

6.In the light of the same we direct the appellant corporation to pay the difference amount of encashment of earned leave to the respondents/writ petitioners within a period of six months from the date of receipt of copy of this order together with interest at 6 % per annum till the date of realisation.

7. Therefore, with the above observations and direction the writ appeals are disposed of. No Costs. Consequently connected Miscellaneous Petitions are closed.'

7.In view of the said order having been passed, the learned counsel for the petitioner would submit that, the petitioners are also entitled to get encashment of earned leave salary based on the



revised scale of pay as per the sixth pay commission and accordingly, a direction can be given to the respondent Transport Corporation to consider the respective request made by the petitioners and to pass orders on merits within a time frame to be stipulated by this Court.

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8.However, the learned Standing Counsel appearing for the respondent Transport Corporation would submit that, though the orders have already been passed with regard to the revised scale of pay as per the sixth pay commission, whether the petitioners are entitled to have the said benefit, as they claimed in their respective petitions, would be considered on merits by the respondent Transport Corporation, accordingly, if they are otherwise eligible to get the said benefit, certainly that would be considered and necessary orders to that effect would be passed within a time frame to be stipulated by this Court.

9.Considering the said submissions made by the learned counsel appearing for both sides, this Court is inclined to pass the following order:

'that the respondent Transport Corporation shall consider the respective representations made by the petitioners, dated 07.02.2020, 10.02.2020, 21.02.2020 and 27.02.2020 and pass orders thereon, on merits and in accordance with law, based on the legal position in this regard and accordingly, if the petitioners are eligible and entitled to get encashment of earned leave salary based on the revised scale of pay as per the sixth pay commission, decide the same and pass order to that effect for such disbursement within a period of eight (8) weeks after the restoration of normalcy from COVID-19 situation.'

10.With the above directions, these Writ Petitions are disposed of. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

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order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

+4 CC to M/s.P. BALASUBRAMANIAN, Advocate (SR-14084 [F],14085,14086,14087 dated 14/08/2020)

W.P. (MD)Nos.9096, 9099, 9100 and 9101 of 2020
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KK(10.09.2020) 4P 5C