



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.06.2021

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WEB COPY

THE HON'BLE MR. JUSTICE P.D.AUDIKESSAVALU

W.P. (MD)No.9893 of 2021

V.Mariappan

... Petitioner

-vs-

The General Manager,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Karaikudi Region,
Maruthupathi, Karaikudi,
Sivagangai.

... Respondent

Prayer:- Writ Petition filed under Article 226 of Constitution of India, seeking for a Writ of Mandamus, directing the Respondent to pay the amount towards the encashment of 109 days of earned leaves surrendered by the Petitioner in the years from 2014 to 2019 before the Petitioner's retirement either based on the Petitioner's 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 the Petitioner's retirement, together with 18% interest from the date of the Petitioner's retirement within the time frame as may be fixed by this Court.

For Petitioner : Mr. G.M.Xavier

For Respondent : Mr. D.Sivaraman
Standing Counsel

**ORDER
(through video conference)**

Heard Mr. G. M. Xavier, Learned Counsel for the Petitioner and Mr. D. Sivaraman, Learned Standing Counsel, who takes notice for the Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Petitioner, who has retired from service of the Respondent, has filed this Writ Petition for directing to pay the amount towards encashment of 109 days of surrendered earned leave in the years 2014 to 2019 with interest. It is represented by the Learned Counsel for the Petitioner that though larger relief has



been sought, the Petitioner would be satisfied if the representation dated 25.02.2021 made by the Petitioner to the Respondent in that regard is disposed within a time limit stipulated by this Court.

3. Learned Standing Counsel for the Respondent submits that due to prevalent COVID pandemic, the Respondent is facing financial constraints and is not in a position to make immediate payment of the entire amount that may be found payable and informs that the same would be paid in installments.

4. Having regard to the aforesaid submissions made by Learned Counsel for both sides, this Court without expressing any view on the correctness or entitlement of the claim made, passes the following order:-

- (i) the concerned authority of the Respondent shall immediately consider the representation dated 25.02.2021 made by the Petitioner;
- (ii) if it is found that the Petitioner has not satisfied with the prescribed requirements or eligibility criteria for extending the benefits claimed, the deficiencies in that regard shall be informed in writing to him requiring the same to be furnished within a time frame of not less than 10 working days;
- (iii) in the event of concerned authority not being satisfied with the compliance of the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner to explain his position in that regard;
- (iv) the concerned authority of the Respondent shall pass reasoned orders dealing with each of the contentions raised on merits and in accordance with law and communicate the decision taken to the Petitioner by 30.09.2021 under written acknowledgment;
- (v) if the Petitioner is entitled to the claim made, it shall be ensured that the eligible amount is paid in four monthly installments from the date of passing of that order; and
- (vi) report of compliance in that regard shall be filed before the Registrar (Judicial) of this Court without fail.

5. In the result, the Writ Petition is disposed on the aforesaid terms. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To
The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Karaikudi Region,
Maruthupathi, Karaikudi,
Sivagangai.

copy to
The Registrar Judicial,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.G.M.XAVIER, Advocate (SR-19099[F] dated 09/06/2021)

W.P. (MD) No. 9893 of 2021
08.06.2021

KM(08.07.2021) 3P 4C