



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.07.2021

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. (MD) No. 12709 of 2021

WEB COPY
S.Selvaraj

... Petitioner

-vs-

The Managing Director,
The Tamil Nadu State Transport Corporation (Kum) Limited,
TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam - 612 001.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondent to disburse the earned leave salary for 145 days surrendered by the petitioner, together with interest at the rate of 12% per annum from the date of petitioner's retirement to till the date of actual payment by the Respondent, by considering the petitioner's representation dated 03.07.2021.

For Petitioner : Mr. SP.Vijay Nivas
For Respondent : Mr. P.Balasubramanian,
Standing counsel

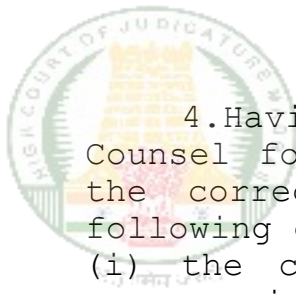
O R D E R

(through video conference)

Heard Mr. SP.Vijay Nivas, Learned Counsel for the Petitioner and Mr.P.Balasubramanian, 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 the Respondent to pay the amount towards encashment of 145 days of surrendered earned leave in the years 2011 to 2016 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 03.07.2021 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 03.07.2021 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 30.10.2021 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.

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

Sd/-

Assistant Registrar (A.D II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

Note: (i) 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

1. The Managing Director,
Tamil Nadu State Transport Corporation (Kum) Limited,
TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam - 612 001.

2. The Registrar (Judicial),
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.P.BALASUBRAMANIAN, Advocate (SR-24306[F] dated
29/07/2021)

W.P. (MD) No. 12709 of 2021
27.07.2021

RS (18.08.2021) 3P 4C