



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.09.2021

CORAM

**THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR**

WP(MD) No.16178 of 2021

T. Yesaiyan

... Petitioner

Vs.

1.The Government of Tamil Nadu,  
Represented by its Secretary to Government,  
Transport Department,  
Secretariat,  
Chennai - 600 009.

2.The Managing Director,  
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd,  
Kumbakonam,  
Thanjavur District.

3.The General Manager,  
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,  
Trichy Region,  
Periyamilaguparai,  
Trichirappalli District.

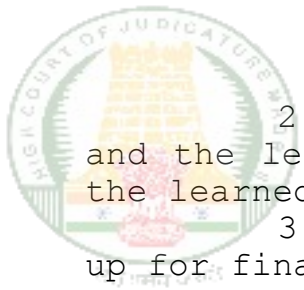
... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus, directing the respondents to settle the petitioner benefit of encashment of Earned Leave surrendered by petitioner before the 2<sup>nd</sup> and 3<sup>rd</sup> respondents from the year 2010 to till the date of retirement of the petitioner with interest at 18% as per the 1998 Wage Settlement Effect under Section 12(3) of ID Act, 1947.

|                 |                          |
|-----------------|--------------------------|
| For Petitioner  | : Mr.N. Sudhagar Nagaraj |
| For Respondents | : Mr.A.K. Manikkam       |
|                 | Counsel for State for R1 |
|                 | Mr.D. Siva Raman         |
|                 | Counsel for R2 & R3      |

### **O R D E R**

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents to settle the petitioner benefit of encashment of Earned Leave surrendered by him before the 2<sup>nd</sup> and 3<sup>rd</sup> respondents from the year 2010 to till the date of retirement with interest at 18% as per the 1998 Wage Settlement Effect under Section 12(3) of ID Act, 1947.



2. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for State / first respondent and the learned Standing Counsel appearing for the respondents 2 and 3.

3. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

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4. The learned Counsel for the petitioner would submit that the petitioner has sent a representation, dated 31.07.2021 to the third respondent seeking to settle the benefits of encashment of earned leave surrendered by the petitioner from the year 2010 to till the date of retirement along with interest at 18% per annum as per the settlement entered into between the parties under Section 12 (3) of the Industrial Disputes Act. According to the learned counsel for the petitioner, this Court, on the identical issues, has considered and granted the relief to the similarly placed employees in the appeal preferred by the respondents / Corporation in W.A(MD).No.1138 of 2019, dated 25.10.2019, wherein, the Hon'ble Division Bench of this Court dismissed the Writ Appeal with a direction to settle the eligible benefits to the petitioner in four equal monthly installments. According to the petitioner, on the same line, the present Writ Petition has to be disposed of.

5. The learned Standing Counsel appearing for the respondents 2 and 3 would submit that the said representation will be considered by the respondents / corporation in the light of the Division Bench order passed by this Court in W.A(MD).No.1138 of 2019, dated 25.10.2019 by giving equal monthly installments.

6. In view of the submission made by both parties, there is no controversy for settling the benefits to the petitioner. Therefore, this Court is of the view that in the interest of justice, the third respondent is directed to consider the petitioner's representation, dated 31.07.2021 in the light of the order passed in W.A(MD).No.1138 of 2019, as expeditiously as possible, in any event, not later than eight weeks from the date of receipt of a copy of this order.

7. With the above direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

trp



To

1.The Secretary to Government,  
The Government of Tamil Nadu,  
Transport Department,  
Secretariat,  
Chennai - 600 009.

2.The Managing Director,  
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd,  
Kumbakonam,  
Thanjavur District.

3.The General Manager,  
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,  
Trichy Region,  
Periyamilaguparai,  
Trichirappalli District.

+1 CC to M/s.SPL GP ( SR-28827[F] dated 13/09/2021 )

+1 CC to M/s.N.SUDHAGAR NAGARAJ, Advocate ( SR-28768[F] dated 09/09/2021 )

+1 CC to M/s.D.SIVARAMAN, Advocate ( SR-28777[F] dated 09/09/2021 )

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SRK(CO)  
KB(08.11.2021) 3P 7C