



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.02.2021**

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS. JUSTICE S.ANANTHI

W.A. (MD)No.599 of 2018

WEB COPY

R.Manoharan

Appellant/Petitioner

:

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation
Kumbakonam (Ltd)
New Railway Station Road,
Kumbakonam. 612001

2.The General Manager
Tamil Nadu State Transport Corporation
Kumbakonam (Ltd)
Tiruchirappalli Region,
Periya Milaguparai
Tiruchirappalli 620001

: Respondents

PRAYER: Appeal filed under Clause 15 of the Letters Patent against the order of this Court in W.P.(MD) No.19958/2014 dated 09.12.2014.

Prayer in WP(MD). 19958/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondents to pay Rs.67,003/- towards the petitioner s Earned Leave Salary balance as claimed in the representation dated 03.11.2014.

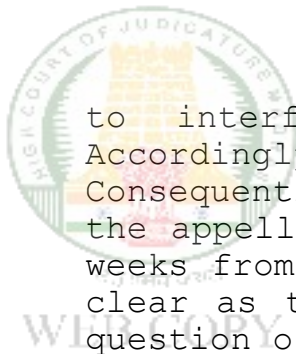
For Appellant : Ms.Sudha Rani for
Mr.G.S.Ashok Adhithya
For Respondent : Mr.D.Sivaraman

JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

The appeal lies in a very narrow compass. The appellant sought for earned leave salary after retirement. The writ petition was dismissed on the ground of delay and laches.

2. The question of delay and laches is one of practice and prudence and not of law. The entitlement of encashment of earned leave accrues an employee after retirement as a measure of right subject to the Rules governing. No third party interest has been created by the delay. In such view of the matter, we are inclined



to interfere with the order of the learned single Judge. Accordingly, the order of the learned Judge stands set aside. Consequently the respondents are directed to consider the case of the appellant and pay the differential amount, if any, within eight weeks from the date of receipt of a copy of this order. We make it clear as the appellant was responsible for the delay, there is no question of payment of interest that arise.

3. The writ appeal stands allowed accordingly. No costs.

Sd/-

Assistant Registrar (P&A)

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/ /2021

Sub Assistant Registrar(CS)

RR

1.The Managing Director,
Tamil Nadu State Transport Corporation
Kumbakonam (Ltd)
New Railway Station Road,
Kumbakonam.

2.The General Manager
Tamil Nadu State Transport Corporation
Kumbakonam (Ltd)
Tiruchirappalli Region,
Periya Milaguparai
Tiruchirappalli

+1 CC to M/s.G.S.ASOK ADHITHYAN, Advocate (SR-3947[F] dated 09/02/2021)

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-3683[F] dated 08/02/2021)

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