



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2022

CORAM

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.2485 OF 2022

N.Nagarajan

... Petitioner

Vs.

The Management of
Tamilnadu State Transport Corporation
(Kovai) Ltd.,
Coimbatore Region
Rep. by its Managing Director
Coimbatore.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to pay the petitioner the amount payable towards the encashment of 45 days of earned leaves, surrendered by him in the years before his retirement as admitted by the respondent, either based on his 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 his retirement, together with 18% interest from the date of his retirement, within a time frame as may be fixed by this court.

For Petitioner : Ms.Porkodi
For Mr.V.Ajoy Khose

For Respondent : Mr.A.Sundaravadhanan
Standing Counsel

ORDER

This writ petition has been filed to issue a Writ of Mandamus, directing the respondent to pay the amount of encashment of Earned Leave, surrendered by the petitioner, with interest.



2. The case of the petitioner in brief:

The petitioner was appointed as Driver in the respondent Corporation on 24.03.1985 and finally he was working as Special Grade Driver and he retired from service on superannuation on 30.06.2017. As per Section 12(3) of the Industrial Dispute Act, 1947, every workman can surrender 15 days of earned leaves, once in every calendar year and get encashment for the same. Before retirement, the petitioner surrendered Earned Leave from his leave credit. But the respondent did not pay the amount towards earned leave surrendered, citing financial crisis. Even after passing of 4 years from the date of retirement, the respondent has not come forward to pay the amount, even they agreed that they are liable to pay the amounts towards 45 days of Earned Leave surrendered by the petitioner. In this regard, the petitioner made a representation dated 12.11.2021 to the respondent. However, it was not considered. Hence this writ petition.

3. The learned counsel appearing for the petitioner submitted that the petitioner has sent representation dated 12.11.2021 through RPAD to pay the amount of encashment of Earned Leave, surrendered by the petitioner with interest. Hence, the respondent may be directed to consider the same and to pay the amount.

4. The learned counsel appearing for the respondent Corporation submitted that, if any such representation is received, the same will be considered and appropriate orders will be passed by the respondent, in accordance with law.

5. In view of the above submissions, without expressing any opinion on merits, this court is inclined to pass orders.

6. Accordingly, it is ordered as follows.

i) The respondent is directed to consider the representation of the petitioner dated 12.11.2021, on its own merits, in accordance with law, as early as possible, within a period of eight weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

mst



To

The Managing Director
The Tamilnadu State Transport Corporation
(Kovai) Ltd.,
Coimbatore Region, Coimbatore.

W.P.No.2485 of 2022

GPL (CO)
RLP (03/03/2022)