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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2022

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.Nos.2495, 2499, 2501, 2503, 2505,  
2506, 2507 & 2509 of 2022

|                       |                                      |
|-----------------------|--------------------------------------|
| K.Raja                |                                      |
| S/o.Kunjappan         | .. Petitioner in W.P.No.2495 of 2022 |
| V.Ravichandran        |                                      |
| S/o.Venkatachalam     | .. Petitioner in W.P.No.2499 of 2022 |
| M.Kumar               |                                      |
| S/o.Meivel            | .. Petitioner in W.P.No.2501 of 2022 |
| C.Selvaraju           |                                      |
| S/o.Chalappa Goundar  | .. Petitioner in W.P.No.2503 of 2022 |
| R.Chandrasekaran      |                                      |
| S/o.Rajureddy         | .. Petitioner in W.P.No.2505 of 2022 |
| R.Sumathi             |                                      |
| W/o.G.Rajendran       | .. Petitioner in W.P.No.2506 of 2022 |
| S.K.Tamilselvan       |                                      |
| S/o.Kaliappan         | .. Petitioner in W.P.No.2507 of 2022 |
| A.S.K.Balasubramanian |                                      |
| S/o.Kalimuthu         | .. Petitioner in W.P.No.2509 of 2022 |

Vs.

The Management of  
Tamil Nadu State Transport Corporation (Kovai) Ltd.,  
Erode Region,  
Rep.by its Managing Director,  
Erode.

... Respondents

PRAYER in W.P.No.2495,2499,2501,2503,2505,2507 & 2509 of 2022:  
This Writ Petition has been filed under Article 226 of the  
Constitution of India, praying to issue Writ of Mandamus,  
directing the respondent to pay the petitioner the amount  
payable towards the encashment of 105,90,105,90,105,75 & 105  
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  
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.



PRAYER in W.P.No.2506/2022:

This Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, directing the respondent to pay the petitioner the amount payable towards the encashment of 90 days of earned leaves, surrendered by her husband G.Rajendran Staff No.J11044 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 respective due dates or based on the monthly wages payable on the month of his retirement, together with 18% from the date of his retirement within a time frame as may be fixed by this Court.

For Petitioners  
in all W.Ps : Mr.V.Ajoy Khose

For Respondents  
in all W.Ps : Mr.A.Sundaravadanam  
Standing Counsel for  
Transport Corporation

#### COMMON ORDER

These Writ Petitions have been filed to direct the respondent to pay the petitioners' amount payable towards the encashment of earned leaves, surrendered by them in the years before their retirement as admitted by the respondent, either based on their monthly wages of the respective months of surrender of those earned leaves, together with 18% interest p.a. from 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.

#### 2.Brief facts of the case:

(i) The petitioners in W.P.Nos.2495, 2499, 2501, 2503, 2505, 2507 & 2509 of 2022 and the husband of the petitioner in W.P.No.2506 of 2022 were appointed as Junior Assistants in the Respondent Corporation and subsequently, they got promoted and they retired from service on reaching the age of superannuation. While settling the terminal benefits, the respondent has come forward to settle the benefit of encashment of earned leave for 240 days only and failed to pay the amount towards remaining days of earned leaves, which were surrendered by the petitioners and the husband of one R.Sumathi before their retirement. Thereby, the respondent made the issue as to get the encashment of those earned leaves as a cause of action for separate litigation and forced to file these present writ petitions.

(ii) He further submitted that as per the Service Rules, an employee can earn up to 30 days of earned leaves in a year and that apart, an employee can also surrender 15 days of



earned leaves once in every calendar year and can get encashment for the same. Accordingly, the petitioners and the husband of the said R.Sumathi have surrendered earned leaves from their leave credit but the respondent failed to pay the same, by citing the reason of financial crisis and violated the terms and conditions of the Service Rules. Hence, these Writ Petitions.

3. The learned counsel appearing for the petitioners would submit that even after passing of more than 2 to 3 years from the date of the petitioners' in W.P.Nos.2495, 2499, 2501, 2503, 2505, 2507 & 2509 of 2022 and the husband of the petitioner's in W.P.No.2506 of 2022 retirement, the respondent has not come forward to pay the amount till date. However, the respondent has admitted in the information given under the RTI Act that they are liable to pay the amount towards earned leaves surrendered by the claimants. Therefore, the respondent is liable to pay the wages for earned leaves either based on the respective months of surrender of earned leaves, together with interest from the respective due dates or based on the monthly wages payable on the month of their retirement together with interest from the date of their retirement. In the mean time the husband of the petitioner's in W.P.No.2506 of 2022 died on 10.10.2020. In this regard, the petitioners have also sent a representation on 22.10.2021 to the respondent, even though, no amount has been paid till date by the respondent.

4.The learned Additional Government Pleader, appearing for the respondents submitted that the petitioners are entitled for the encashment of the earned leaves surrendered by them and the representation dated 22.10.2021 made by the petitioners' in W.P.Nos.2495, 2499, 2501, 2503, 2505, 2507 & 2509 of 2022 and the husband of the petitioner's in W.P.No.2506 of 2022 will be considered by the respondent.

5.Heard the learned counsel on either side and perused the materials placed on record.

6.In view of the above facts and circumstances of the case and considering the fact that the representation dated 22.10.2021 made by the petitioners' is still pending before the respondent and considering the fact that the petitioners are eligible for encashment of earned leaves, this Court is inclined to direct the petitioners to send a fresh representation to the respondent along with copy of this order for consideration. Upon receipt of the same, the respondent/Transport Corporation shall consider the petitioners representation in accordance with law after affording an opportunity of hearing to the petitioners and pass appropriate orders on merits in accordance with law as early as possible preferably within a period of six weeks from the date of receipt of a copy of this order.



7. With the above direction, this Writ Petition stands disposed of. No costs.

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Sd/-  
Assistant Registrar (CS VII)

//True Copy//

Sub Assistant Registrar

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To

The Managing Director,  
Management of Tamil Nadu State  
Transport Corporation (Kovai) Ltd.,  
Erode Region,  
Erode.

+1 cc to Mr.V.Ajay Khose, Advocate Sr.NO. 9938  
W.P.Nos.2495, 2499, 2501, 2503, 2505,  
2506, 2507 & 2509 of 2022

BR(CO)  
A.SK(03/03/2022)