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W.P.No.4564 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2022

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THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.4564 of 2022

R.Shanmugasundaram

... Petitioner

Vs.

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

... Respondent

PRAYER: Writ Petition has been 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 135 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.

For Petitioner : Mr.V.Ajoy Khose

For Respondent : Mr.Murali Vinodh



ORDER

WEB COPY This writ petition has been filed for a Mandamus seeking for a direction to the respondent to pay the petitioner the amount towards encashment of 135 days of earned leave, surrendered by him before his retirement together with interest at 18% per annum, based on his representation dated 10.02.2022 within a time frame to be fixed by this Court.

2. Heard Mr.V. Ajay Khose, learned counsel for the petitioner and Mr.Murali Vinodh, learned Standing Counsel for Transport Corporation, accepts notice on behalf of the respondents. By consent of both the parties, the writ petition has been taken up for final disposal.

3. The petitioner claims that despite having admitted their liability to pay towards encashment of 135 days of his earned leave, surrendered by him while he had been in service as seen from the RTI report, the respondent / Management has failed to pay the said amount to him. In such circumstances, he has given a representation on 10.02.2022 to the respondent requesting them to pay the admitted amount. According to the



petitioner, despite the said representation, the respondent / Management has failed to pay the amount and therefore, they are liable to pay interest at 18% per annum.

4. The learned counsel for the petitioner has also brought to the attention of this Court, an order dated 15.03.2022, passed by a learned Single Judge of this Court in W.P. No.5783 of 2022. In similar circumstances, a direction was issued to the respondent to pay the admitted amount towards encashment of earned leave together with interest at 4% per annum within a period of twelve weeks from the date of receipt of a copy of the said order. Learned counsel for the petitioner prays for a similar relief.

5. No prejudice would be caused to the respondent, if the petitioner's representation as referred to supra is considered on merits and in accordance with law in the light of the order dated 15.03.2022 passed by a learned Single Judge of this Court in W.P. No.5783/2022 and also taking note of the fact that as per the RTI information received by the petitioner, the respondent / Management has also admitted that they are liable to pay the amount towards encashment of 135 days of earned leave, surrendered by



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the petitioner, while he was in service.

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6. For the forgoing reasons, this Court directs the respondent to pass final orders on the petitioner's representation dated 10.02.2022 seeking for payment of encashment of 135 days of earned leave surrendered by him while he was in service together with interest at 18% per annum within a period of twelve weeks from the date of receipt of a copy of this order after giving due consideration to the order passed by a learned Single Judge of this Court dated 15.03.2022 made in W.P. No.5783 of 2022 referred to supra.

7. With the aforesaid direction, the Writ Petition is disposed of No costs.

17.11.2022

Index : Yes/No
Speaking Order : Yes / No
ab



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To

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



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ABDUL QUDDHOSE. J.,

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**17.11.2022
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