



W.P.Nos.8282 & 8285 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:08.12.2022

Coram

The HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

**W.P.Nos.8282 & 8285 of 2021
and W.M.P.Nos.8821 & 8824 of 2021**

W.P.No.8282 of 2021

S.Jeyakrishnan

.. Petitioner

Vs

The Management of
Tamil Nadu State Transport Corporation (Kovai) Ltd.,
Coimbatore Region,
Rep. By its General Manager,
Coimbatore.

.. Respondent

W.P.No.8285 of 2021

K.Sivaraj

.. Petitioner

Vs

The Management of
Tamil Nadu State Transport Corporation (Kovai) Ltd.,
Coimbatore Region,
Rep. By its General Manager,
Coimbatore.

.. Respondent

Prayer in WP No.8282 of 2021: Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records from the respondent relating to the



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impugned order passed in Pa.No.L3/W.No.30833/19UM (Tho) TNSTC (Ko) 2020 dated 28.02.20, quash the same and directing the respondent to pay the petitioner the amount payable towards the encashment of 45 days of earned leave, surrendered by him in the years before the petitioner's retirement as admitted by the respondent, either based on his monthly wages of the respective months of surrender of those earned leave, 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 and also with cost for his litigation as may be fixed by this Court.

Prayer in WP No.8285 of 2021: Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records from the respondent relating to the impugned order passed in Pa.No.L3/W.No.30834/19UM (Tho) TNSTC (Ko) 2020 dated 28.02.20, quash the same and directing the respondent to pay the petitioner the amount payable towards the encashment of 45 days of earned leave, surrendered by him in the years before the petitioner's retirement as admitted by the respondent, either based on his monthly wages of the respective months of surrender of those earned leave, 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 and also with cost for his litigation as may be fixed by this Court.



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For Petitioner : Mr.Ajay Khose
(in both writ petitions)

For Respondents : Mr.A.Sundaravadhanan
Standing Counsel
(in both writ petitions)

COMMON ORDER

The petitioners have challenged the impugned order dated 28.02.2020 passed by the respondent rejecting the petitioners' request for encashment of 45 days of earned leave surrendered by them while they were in service with the respondent corporation on the ground that due to the present financial position, the respondent is unable to make the payment.

2. As seen from the impugned order, the respondent has admitted their liability to the petitioners but have expressed their difficulty in making the payment only due to their present financial condition.

3. Learned standing counsel appearing for the respondent would now submit on instructions that the respondent shall pay the eligible amount to the petitioners for the earned leave surrendered by



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them, within a period of twelve weeks from the date of receipt of a copy of this order. The said undertaking given by the respondent is recorded.

4. Accordingly, these writ petitions are disposed of by directing the respondent to pay the eligible encashment of earned leave surrendered by the petitioners within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

08.12.2022

Index:Yes/No
mmi

To

The General Manager,
The Management of
Tamil Nadu State Transport Corporation (Kovai) Ltd.,
Coimbatore Region,
Coimbatore.



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ABDUL QUDDHOSE,J.

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