

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

CORAM

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NOS.15061, 15066, 15069
15073, AND 15077 OF 2022

D.Madhavan	... Petitioner in W.P.No.15061 of 2022
K.Ponnuswamy	... Petitioner in W.P.15066 of 2022
P.Manoharan	... Petitioner in W.P.No.15069 of 2022
B.Natarajan	... Petitioner in W.P.No.15073 of 2022
P.Marathal	... Petitioner in W.P.No.15077 of 2022

.Vs.

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

... Respondent in
W.P.No.15061, 15066,
and 15069 of 2022

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

... Respondent in
W.P.No.15073, 15077
of 2022

PRAYER IN W.P.NO.15061 OF 2022:-

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

75 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 Hon'ble Court and thus render justice.

PRAYER IN W.P.NO.15066, 15069, 15077 OF 2022:-

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 60 days of earned leaves, surrendered by him/her husband/employee R.Palanisamy, Staff No.009590 (in W.P.No.15077 of 2022) 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 Hon'ble Court and thus render justice.

PRAYER IN W.P.NO.15073 OF 2022:-

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 140 days of earned leaves, surrendered by him 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 Hon'ble Court and thus render justice.

IN ALL WRIT PETITIONS

For Petitioner : M/s.Porkodi

For Respondent : Mr.A.Sundaravadhanan
Standing Counsel

COMMON ORDER

All the writ petitions have been filed to issue a Writ of Mandamus, directing the respondent to pay the amount for encashment of Earned Leave, surrendered by the petitioners, with interest.

2. The facts and circumstances and the issues involved in all the writ petitions are one and the same. Hence, this court passes the common order.

3. The case of the petitioners in brief:

The petitioners in W.P.15061, 15066, 15069, 15073 of 2022 and the husband of the petitioner in W.P.15077 of 2022 were working under the respondent Corporation and they retired from service in the year 2015, 2017, 2019, 2020. 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 petitioners surrendered their Leave for encashment. But the respondent did not pay the amount, citing financial crisis. Though the respondent agreed under RTI Act that they are liable to pay the amount for encashment of Earned Leave surrendered by the petitioners, they did not come forward to pay the amount. In this regard, the petitioners made their respective representations to the respondent. However, it was not considered. Hence these writ petitions.

4. The learned counsel appearing for the petitioners submitted that the petitioners have sent their individual representations to pay the amount towards encashment of Earned Leave Salary, surrendered by them with interest. However, the respondent have not paid the amount. Hence, the respondent may be directed to pay the amount with interest.

5. The learned counsel appearing for the respondent Corporation fairly submitted that the representations of the petitioner will be considered and the amount will be settled, if otherwise they are eligible.

6. Inview of the above submissions and with the consent of both the parties, this court is inclined to pass the following order.

i) The respondent is directed to consider the representation of the petitioners and to pass individual orders on its own merits, in accordance with law, within a period of twelve weeks from the date of receipt of the copy of this order.

ii) It is needless to say that if the petitioners are eligible for the claim made, the respondent shall pay the amount for encashment of Earned Leave, surrendered by them, with penal interest at the rate of 4% per annum, within a period of twelve weeks from the date of receipt of a copy of this order, in default, to pay the amount within the above said period, the respondent shall pay interest at the rate of 6% per annum to the petitioners.

7. With the above directions, the writ petitions in W.P.No.15061, 15066, 15069, 15073 and 15077 of 2022 are disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mst

To

1. The Managing Director,
The Tamil Nadu State Transport
Corporation (Kovai) Ltd.,
Erode Region, Erode.
2. The Managing Director,
The Tamil Nadu State Transport
Corporation (Kovai) Ltd.,
Coimbatore Region,
Coimbatore.

+4ccs to Mr.A.Sundaravadhanan, Advocate, S.R.Nos.38054, 38055,
38063 & 38064

+4ccs to Mr.V.Ajoy Khose, Advocate, S.R.Nos.37250, 37251,
37254 & 37255

W.P.NOS.15061, 15066, 15069,
15073, 15077 OF 2022

JP-II (CO)
PBS/20/07/2022