



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.Nos.24933, 24934, 24936, 24937, 24940,
24942, 24945, 24946 and 24947 of 2021

N.Nagarajan	... Petitioner in W.P.No.24933 of 2021
A.Balasubramanian	... Petitioner in W.P.No.24934 of 2021
E.N.Rajamanickam	... Petitioner in W.P.No.24936 of 2021
R.Manoharan	... Petitioner in W.P.No.24937 of 2021
P.Rajagopalan	... Petitioner in W.P.No.24940 of 2021
R.Rajan	... Petitioner in W.P.No.24945 of 2021
R.Nagarajan	... Petitioner in W.P.No.24946 of 2021
A.Rajendiran	... Petitioner in W.P.No.24947 of 2021
V.Krishnaswamy	... Petitioner in W.P.No.24942 of 2021

vs.

Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Coimbatore Region,
No.37, Mettupalayam Road,
Coimbatore - 641 043.

... Respondent in all WP's

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent to pay him the amount payable towards the encashment of 45 days of Earned Leave, surrendered by him in the years before the petitioner retirement as admitted by the respondent, based on his monthly wages of the respective months of surrender of those earned leave, together with 6% interest p.a. from the respective due dates within a time frame as may be fixed by this Court.

Prayer in W.P.No.24934 of 2021 :

Directing the respondent to pay him the amount payable towards the encashment of 30 days of Earned Leave Surrendered by him in the years before petitioner retirement as admitted by the respondent based on his monthly wages of the respective months of surrender of those earned leave together with 6 percentage interest p.a. from the respective due dates within a time frame as may be fixed by this Honble Court



Prayer in W.P.No.24936 of 2021 :

Directing the respondent to pay him the amount payable towards the encashment of 60 days of Earned Leave Surrendered by him in the years before petitioner retirement as admitted by the respondent based on his monthly wages of the respective months of surrender of those earned leave together with 6 percentage interest p.a. from the respective due dates within a time frame as may be fixed by this Honble Court.

Prayer in W.P.No.24937 of 2021 :

Directing the respondent to pay him the amount payable towards the encashment of 60 days of Earned Leave Surrendered by him in the years before petitioner retirement as admitted by the respondent based on his monthly wages of the respective months of surrender of those earned leave together with 6 percentage interest p.a. from the respective due dates within a time frame as may be fixed by this Honble Court.

Prayer in W.P.No.24940 of 2021 :

Directing the respondent to pay him the amount payable towards the encashment of 60 days of Earned Leave Surrendered by him in the years before petitioner retirement as admitted by the respondent based on his monthly wages of the respective months of surrender of those earned leave together with 6 percentage interest p.a. from the respective due dates within a time frame as may be fixed by this Honble Court.

Prayer in W.P.No.24942 of 2021 :

Directing the respondent to pay him the amount payable towards the encashment of 60 days of Earned Leave Surrendered by him in the years before petitioner retirement as admitted by the respondent based on his monthly wages of the respective months of surrender of those earned leave together with 6 percentage interest p.a. from the respective due dates within a time frame as may be fixed by this Honble Court.

Prayer in W.P.No.24945 of 2021 :

Directing the respondent to pay him the amount payable towards the encashment of 60 days of Earned Leave Surrendered by him in the years before petitioner retirement as admitted by the respondent based on his monthly wages of the respective months of surrender of those earned leave together with 6 percentage interest p.a. from the respective due dates within a time frame as may be fixed by this Honble Court.



Prayer in W.P.No.24946 of 2021 :

Directing the respondent to pay him the amount payable towards the encashment of 60 days of Earned Leave Surrendered by him in the years before petitioner retirement as admitted by the respondent based on his monthly wages of the respective months of surrender of those earned leave together with 6 percentage interest p.a. from the respective due dates within a time frame as may be fixed by this Honble Court.

Prayer in W.P.No.24947 of 2021 :

Directing the respondent to pay him the amount payable towards the encashment of 60 days of Earned Leave Surrendered by him in the years before petitioner retirement as admitted by the respondent based on his monthly wages of the respective months of surrender of those earned leave together with 6 percentage interest p.a. from the respective due dates within a time frame as may be fixed by this Honble Court.

For Petitioner : Mr.M.A.Sivakumaran
(in all WPs)

For Respondent : Mr.A.Sundaravadhanan
Standing Counsel
(in all WPs)

C O M M O N O R D E R

These writ petitions have been filed seeking to issue a Writ of Mandamus, directing the respondent to pay them the amount payable towards the encashment of 45, 30, 60, 60, 55, 60, 60, 60 and 60 days of Earned Leave respectively, surrendered by them in the years before the petitioners' retirement as admitted by the respondent, based on their monthly wages of the respective months of surrender of those earned leave, together with 6% interest p.a. from the respective due dates within a time frame as may be fixed by this Court.

2. According to the learned counsel appearing for the petitioners, the petitioners made representations dated 29.08.2017, 13.10.2021, 16.10.2021 and 18.10.2021 to the respondent to settle the earned leave surrendered by them before their retirement along with interest. But so far, no orders has been passed. Hence, they filed the instant writ petitions before this Court.



3. The learned Standing Counsel appearing for the respondent would submit that the said representations would be duly considered and appropriate orders will be passed based on the settlement made under Section 12(3) of the Industrial Disputes Act, 1947.

4. In the light of the above submissions made by the parties, this Court is inclined to direct the respondent/corporation to consider the petitioners' representations dated 29.08.2017, 13.10.2021, 16.10.2021 and 18.10.2021 and to pass appropriate orders in accordance with law, as expeditiously as possible, within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above direction, the writ petitions are disposed of. No costs.

Sd/-
Assistant Registrar (CS-CCC)

//True copy//

Sub Assistant Registrar

dm

To

Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Coimbatore Region,
No.37, Mettupalayam Road,
Coimbatore - 641 043.

+1cc to Mr.M.A.Sivakumaran, Advocate SR.No.25043

+9ccs to Mr.A.Sundaravadhanan, Advocate SR.No.24610, 24611, 24613, 24614, 24615, 24616, 24618, 24619, 24620

W.P.No.24933 of 2021 etc. batch

KV(CO)
GMY(29/04/2022)