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W.P.No.28678 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.28679 of 2022

M.Ismail

... Petitioner

Vs

Tamilnadu State Transport Corporation (Kovai)Ltd.,
Rep.By its Managing Director,
37, Mettupalayam Road,
Coimbatore

... Respondent

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondent to pay the petitioner a sum of Rs.26,163.50 payable towards the encashment of 45 days of earned leave, surrendered by the petitioner in the years before his retirement as admitted by the respondent, in their RTI reply, based on his monthly wages of the respective months 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 within a time frame as may be fixed by this Hon'ble Court.

For petitioner ... Ms.Nandinai
for Mr.Krishnasamy R.

For Respondent ... Mr.A.Sundaravadhanam
Standing Counsel



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ORDER

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This writ petition has been filed for a Mandamus seeking for a direction to the respondent to pay the petitioner a sum of Rs.26,163.50 payable towards the encashment of 45 days of earned leave, surrendered by him before his retirement together with interest at 18% per annum , based on his representation dated 12.05.2022 within a time frame to be fixed by this Court.

2. Heard the learned counsel for the petitioner and Mr.A.Sundaravadhanam, 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 45 days of his earned leave, surrendered by him while he was in service as seen from the RTI Information report, the respondent has failed to pay the said amount to him. In such circumstances, he has given a representation on 12.05.2022 to the respondent requesting them to pay the admitted amount. According to the petitioner, despite the said representation, the respondent has failed to pay the amount and therefore, they are liable to pay interest at 18% per annum. 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



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was issued by this Court 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.

4. 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, they have also admitted that they are liable to pay the amount towards encashment of 45 days of earned leave, surrendered by the petitioner, while he was in service.

5. For the forgoing reasons, this Court directs the respondent to pass final orders on the petitioner's representation dated 12.05.2022 seeking for payment of encashment of 45 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.



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ABDUL QUDDHOSE, J.

sr

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

31.10.2022
(4/4)

Index: Yes/ No
Speaking Order/Non-speaking Order
sr

To
Tamilnadu State Transport Corporation (Kovai)Ltd.,
Rep.By its Managing Director,
37, Mettupalayam Road,
Coimbatore

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