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W.P.No.28900 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2022

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.28900 of 2022

M.Ragu

... Petitioner

Vs

Tamil Nadu 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 Rs.13,987.50 payable towards the encashment of 30 days of earned leave, surrendered by him 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 surrender of those earned leave, together with 18% inter p.a from the respective due dates or based on the monthly wages payable to him in 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 ... Mr.R.Krishnaswamy

For Respondent ... Mr.A.Sundaravadhanan
Standing Counsel



W.P.No.28900 of 2022

ORDER

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This writ petition has been filed for a Mandamus seeking for a direction to pay the petitioner Rs.13,987.50 towards encashment of 30 days of earned leave, surrendered by him before his retirement as admitted by the respondent in their RTI reply together with interest at 18% per annum, based on his representation dated 11.05.2022 within a time frame to be fixed by this Court.

2. Heard Mr.R.Krishnaswamy, the learned counsel for the petitioner and Mr.A.Sundaravadhanan, learned Standing Counsel accepts notice on behalf of the respondent. By consent of the parties, the writ petition has been taken up for final disposal.

3. The petitioner claims that he was an employee with the respondent Transport Corporation and retired from service. According to the petitioner, while in service, he has surrendered 30 days of earned leave and the payment of the same was not made by the respondent. According to the petitioner, a sum of Rs.13,987.50 is due and payable by the respondent. Despite having admitted their liability to pay towards encashment of 30 days of his earned leave, surrendered by him while he had been 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



W.P.No.28900 of 2022

given a representation on 11.05.2022 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 the learned single Judge of this Court in W.P.No.5783 of 2022. In similar circumstances, wherein 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.

4. No prejudice would be caused to the respondent if the petitioner's representation as referred supra is considered on merits and in accordance with law in the light of the order dated 15.03.2022 passed by the another learned Single Judge 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 30 days of earned leave, surrendered by the petitioner, while he was in service.



W.P.No.28900 of 2022

WEB COPY

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5. For the forgoing reasons, this Court directs the respondent to pass final orders on the petitioner's representation dated 11.05.2022 seeking for payment of encashment of 30 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 another learned Single Judge of this Court dated 15.03.2022 made in W.P.No.5783 of 2022 referred to supra.

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

02.11.2022
(2/2)

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

To

Tamil Nadu State Transport Corporation (Kovai)Ltd.,
Rep by its Managing Director,
37, Mettupalayam Road,
Coimbatore

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