



W.P. No.34440 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No.34440 of 2022

P.Chellaiah

.. Petitioner

vs.

Tamil Nadu State Transport Corporation
(Kovai) Ltd.,
rep. by its Managing Director,
37, Mettupalayam Road,
Coimbatore-43.

.. Respondent

Prayer : Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent to pay the petitioner Rs.37,640/- payable towards the encashment of 60 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% interest per annum from the respective due dates or based on the monthly wages payable to the petitioner together with 18% interest from the date of his retirement, within a time frame as may be fixed by this Court.

For Petitioner : Mr.R.Krishnaswamy

For Respondent : Mr.A.Sundaravadhanam



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ORDER

By consent of both the parties, this writ petition has been taken up for final disposal at the admission stage itself.

2.Mr.A.Sundaravadhanam, learned Standing Counsel accepts notice on behalf of the respondent.

3. This writ petition has been filed for a Mandamus seeking for a direction to pay the petitioner the amount towards encashment of 60 days of earned leave, surrendered by him before his retirement together with interest at 18% per annum, based on his representation dated 18.11.2022 within a time frame to be fixed by this Court.

4.Heard Mr.R.Krishnaswamy, learned counsel for the petitioner and Mr.A.Sundaravadhanam, learned Standing Counsel for the respondent.

5. The petitioner claims that despite having admitted their liability to pay towards encashment of 60 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



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circumstances, he has given a representation on 18.11.2022 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.

6. 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 by 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 60 days of earned leave, surrendered by the petitioner, while he was in service.

7. For the forgoing reasons, this Court directs the respondent to pass final orders on the petitioner's representation dated 18.11.2022 seeking for payment of encashment of 60 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.



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

23.12.2022

Index: Yes/No
vga

To

Tamil Nadu State Transport Corporation
(Kovai) Ltd.,
rep. by its Managing Director,
37, Mettupalayam Road,
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ABDUL QUDDHOSE, J.

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