



W.P(MD)No.12044 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12044 of 2022

C.Gomathinayakam

... Petitioner

Vs.

The Managing Director,
Tamil Nadu State Transport Corporation
(Tirunelveli) Limited,
23/2, Tuticorin Road,
Kattabomman Nagar,
Tirunelveli-627 011.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondent to pay encashment for 98 days medical leave which was standing to petitioner's credit at the time of recruitment along with 18% interest from the date of petitioner's retirement till the date of payment in terms of G.O.Ms.No.220 dated 06.08.1999.

For Petitioner : Mr.P.Manoharan

For Respondent : Mr.R.Rajamohan



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ORDER

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Heard the learned counsel on either side.

2. The writ petitioner joined the respondent Corporation as Junior Assistant in the year 1986. He retired as Senior Superintendent on 30.04.2020. At the time of retirement, he had to his credit 98 days of medical leave.

3. All that the petitioner wants is encashment of the same. My attention is drawn to G.O.Ms.No.220, Transport Department, dated 06.08.1999. It clearly states that the medical leave standing to the credit of retiring employee can be encashed based on the pay scale drawn by the employee at the time of retirement. The respondent ought to have permitted the petitioner to encash the said medical leave at the time of retirement itself.

4. Since the said amount had not been disbursed to the writ petitioner, the respondent is directed to encash 98 days of medical leave together with interest at the rate of 6% from the date of the petitioner's retirement till the date of payment. The respondent shall pay the said amount within a period of twelve weeks from the date of receipt of a copy of this order.

5. The Writ Petition is allowed. No costs.

23.09.2022

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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