



W.P(MD)No.25665 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.25665 of 2022

U.Neelamegam

... Petitioner

Vs

The Deputy Manager (Wage Bill Section),
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Karaikudi Region,
Karaikudi.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the respondent passed in TNSTC/KARAI/SaPaPi/298/18 dated 05.07.2018, quash the same and consequently direct the respondent to pay the petitioner the amount payable as encashment of 30 days of earned leaves surrendered by him in the years 2010 and 2011 before his retirement, together with 18 percent interest per annum, within a time frame as may be fixed by this court.

For Petitioner : Mr.S.Arunachalam

For Respondent : Mr.K.Jagadees Balan
Standing Counsel



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ORDER

Heard the learned counsel on either side.

2. The petitioner was employed in the respondent Corporation. He retired from service on 30.04.2012. His grievance is that he was permitted encashment of only 248 days of earned leave and for the remaining 30 days which remained to his credit he was not permitted to encashment. The Management has taken the stand that the earned leave must have been surrendered every year and that therefore, he cannot be permitted to make the claim for excess leave.

3. As rightly pointed out by the learned counsel appearing for the writ petitioner, right from the year 2011 onwards, the employees of the respondent corporation were not allowed to surrender earned leave. The Management cannot be permitted to take advantage of their own wrong. The petitioner was ready to surrender the leave during the relevant period but he was not allowed to do so. In that view of the matter, the order impugned in the writ petition is quashed. The respondent is directed to pay the amount equivalent to 30 days of earned leave. The petitioner will be paid based on the salary drawn by him in the year 2012. This amount will carry interest at the rate of 6% per annum



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from the date of petitioner's retirement till date of payment. This writ petition is allowed accordingly. No costs.

17.11.2022

Index : Yes / No

Internet : Yes/ No

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To

The Deputy Manager (Wage Bill Section),
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Karaikudi Region,
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G.R.SWAMINATHAN, J.

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