



WEB COPY



W.P.No.105 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **05.01.2023**

CORAM

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.105 of 2023

P.Muthulingam

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Salem Division,
No. 12, Ramakrishna Road,
Post Box No.713,
Salem - 636 007.

2. The General Manager
Tamil Nadu State Transport Corporation (Salem) Ltd.,
Salem Division,
No. 12, Ramakrishna Road,
Post Box No.713,
Salem - 636 007.

... Respondents

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to settle the Petitioner's benefit of encashment of Earned Leave from the year 2009 to 2017 surrendered leave amount of Rs.76,812/- and also ERBS amount of Rs.18,500/- and I.R.T.T. amount Rs.4,500/- with interest at 6% as per the 1998 Wage Settlement Effect under Section 12(3) of ID Act, 1947.



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For Petitioner : Mr.N.Sudhagar Nagaraj
For Respondents : Mr.K.Raja
Standing Counsel
for R1& R2

ORDER

This Writ Petition has been filed for a mandamus seeking for a direction to the respondents to disburse the earned leave from the year 2009 to 2017 and other benefits along with interest at 6% as per the 1998 Wage Settlement Effected under section 12(3) of ID Act, 1947.

2. The petitioner has also obtained information under the RTI Act that the respondent transport corporation has not disbursed the encashment amount towards surrender of earned leave by him during the period of his employment along with other benefits.

3. The petitioner has given a representation on 20.07.2022, to the respondent Transport Corporation, seeking for disbursement of his surrendered Earned Leave along with other benefits as well as the payment of interest. Since the representation has not been considered till date, he has filed this Writ Petition.

4. Heard, Mr.N.Sudhagar Nagaraj, learned counsel for the petitioner and Mr.K.Raja, learned Standing Counsel who accepts notice on behalf of the respondents.



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5. No prejudice would be caused to the respondent transport corporation if the petitioner's representation as stated supra is considered on merits and in accordance with law, within a time frame to be fixed by this Court.

6. For the foregoing reasons, this Court directs the first respondent to pass final orders on the petitioner's representation dated 20.07.2022, seeking for disbursement of his surrendered Earned Leave along with other benefits together with interest, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the aforementioned directions, this Writ Petition is disposed of. No Costs.

05.01.2023

Index : Yes / No
Speaking Order : Yes / No
Neutral Citation Case : Yes / No
ab/vsi2



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ABDUL QUDDHOSE. J.,

ab

To

1.The Managing Director,
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No. 12, Ramakrishna Road,
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**05.01.2023
(3/4)**