



WEB COPY



Writ Petition No.3270 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.3270 of 2023

P.Balasubramanian

... Petitioner

Vs.

The Management of Tamilnadu State
Transport Corporation (Kovai) Ltd,
Coimbatore Region,
Rep. by its Managing Director,
Coimbatore.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus directing the respondent to pay the petitioner the amount payable towards the encashment of 45 days of earned leaves, surrendered by him in the years before his retirement, as admitted by the respondent, either based on his monthly wages of the respective months of surrender of those earned leaves, together with 18% interest p.a. from the respective due dates or based on the monthly wages payable on 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 Court.

For Petitioner : Mr.V.Ajoy Khose
For Respondent : Mr.A.Sundaravadhanan
Standing Counsel



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ORDER

This writ petition has been filed for issuance of a writ of mandamus directing the respondent to pay to the petitioner the amount towards encashment of 45 days of earned leave surrendered by the petitioner, along with interest, within the time limit fixed by this Court.

2. The case of the petitioner is that he was appointed as a Conductor in the respondent Corporation in the year 1986 and he ultimately attained superannuation on 31.05.2018 and retired from service in the post of 'Special Grade Conductor'.

3. The grievance of the petitioner is that the petitioner had surrendered 45 days of earned leave during the period from 2009 - 2011 and he is entitled for encashment of the surrendered earned leave as per the settlement that was arrived at under Section 12(3) of the I.D.Act, 1947. Since this amount was not paid, a representation was made by the petitioner on 15.12.2022 and the same did not evoke any response. Left with no other option, the present writ petition has been filed before this Court seeking for appropriate directions.



4. Heard Mr.V.Ajoy Khose, learned counsel for petitioner and Mr.A.Sundaravadhanan, learned standing counsel appearing for the respondent.

5. Taking into consideration the limited relief sought for in this writ petition and without going into the merits of the case, there shall be a direction to the respondent to deal with the representation made by the petitioner dated 15.12.2022 on its own merits and in accordance with the settlement arrived at under Section 12(3) of the I.D.Act, 1947 and if the petitioner is entitled for surrender leave credit from the years 2009 – 2011, the same shall be paid to the petitioner within a period of four (4) weeks from the date of receipt of a copy of this order. If there is any delay in making this payment within the time limit fixed by this Court, the petitioner will be entitled for payment of interest at the rate of 4% from the date on which he became entitled for this amount till the date of actual payment to the petitioner. The petitioner is directed to make a fresh representation to the respondent along with all relevant documents and also a copy of this order.



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N.ANAND VENKATESH, J

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Accordingly, this Writ Petition is disposed of with the above direction. No costs.

07.02.2023

Neutral Citation: Yes/No
Index: yes/no
Speaking Order/Non-Speaking Order
rap/gm

To

The Managing Director,
Management of Tamilnadu State
Transport Corporation (Kovai) Ltd,
Coimbatore Region,
Coimbatore.

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