



WEB COPY



W.P.No.10015 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2023

CORAM

THE HON'BLE JUSTICE MRS.V.BHAVANI SUBBAROYAN

W.P.No. 10015 of 2023

and

W.M.P.No.10062 of 2023

1.S.Kesavan
2.K.Palaniyandi
3.R.Sakthivel
4.A.Subramanian
5.N.Venktachalam

... Petitioners

Versus

1.The Tamil Nadu State Transport Corporation Ltd,
Coimbatore Division I
Rep by its Managing Director,
No.37, Mettupalayam Road,
Coimbatore.

2.The Administrator,
Tamil Nadu Pension Trust,
Pallavan Salai,
Chennai.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, prays to issue a Writ of Mandamus, directing the 1st respondent herein to pay the amount payable towards the encashment of Earned Leave and RBSR fund along with interest to the petitioners.



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For Petitioner : Mr.D.Anand Raja
For Respondent 1 : Mr.A.Vinoth Raj
Standing Counsel for TNSTC

For Respondent 2 : Mr.C.S.K.Sathish
Standing Counsel

ORDER

This writ petition has been filed to direct the 1st respondent herein to pay the amount payable towards the encashment of Earned Leave and RBSR fund along with interest to the petitioners.

2. The case of the petitioners is that there are five petitioners. The petitioners worked with 1st respondent and retired from service with unblemished service record. It is their contention that the 1st respondent had not chosen to settle the retirement benefits on the date of retirement due to paucity of funds which had put the petitioners and their family into serious hardship. The number of days EL surrendered by the petitioner varies from 45 to 60 days. Despite the petitioners had made repeated representations to the 1st respondent for early settlement of surrendered Earned Leave and RBSR fund, the 1st respondent had not chosen to settle the benefits and delaying the same. Hence, the 1st respondent is liable to pay the leave



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encashment and RBSR amount along with interest.

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3. The learned counsel for the petitioner would rely upon the order passed by this Court with similar facts in W.P.No.6396 of 2021 and batch, wherein this Court by its order dated 12.03.2021 had directed the respondent to settle the amount payable towards encashment of Earned Leave, surrendered by the petitioners therein for the years before their retirement, after adjusting the amount already paid to them, within a period of six weeks from the date of receipt of a copy of that order. Further, the respondent is directed to pay interest @ 4% per annum to the petitioners for the belated payment of terminal benefits that are yet to be settled, in six equal monthly installments commencing from 01.06.2021. In case of delay in making installments within the time stipulated, interest payable for the period of delay shall be at 6% per annum. Hence, he seeks direction to the respondent to pay the amount payable towards the encashment of earned leave and RBSR fund along with interest to the petitioners.

4. The learned Standing Counsel appearing for the respondents submitted that the representation given by the petitioners would be



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considered by the authorities concerned and appropriate orders would be passed on its own merits.

5. Heard the learned counsel for the petitioners and the learned Standing Counsels for the respondents herein.

6. In view of the above facts and circumstances of the case and the earlier order passed by this Court in W.P.No.6396 of 2021 and batch, this Court directs the 1st respondent to consider the petitioners representation on or before 30.06.2023 and the 1st respondent is directed to pay interest @ 4% per annum to the petitioners. In case of delay in making the payment, the interest payable for the period of delay shall be at 6% per annum.

7. With the above directions, this writ petition is disposed of. No order as to costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/ No
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V.BHAVANI SUBBAROYAN, J.

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