



WEB COPY



W.P. No. 10222 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2023

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 10222 of 2023

M.Thirumoorthy

... Petitioner

-VS-

Managing Director,
Tamil Nadu State Transport
Corporation Ltd.,
No.37, Mettupalayam Road,
Coimbatore – 641 043.

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondent to pay the petitioner the amount payable towards the encashment of 60 days of Earned Leave, surrendered by him in the years before his retirement, based on his monthly wages of the respective years of surrender of those earned leave, together with 6% interest per annum from the respective due dates.

For Petitioner : Mr. M.A.Sivakumaran

For Respondent : Mr. A.Vinoth Raj



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ORDER

Heard Mr. M.A.Sivakumaran, Learned Counsel appearing for the Petitioner and Mr. A.Vinoth Raj, learned Counsel appearing for the Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. Though the Writ Petition has been filed for directing the Respondent to pay the amount payable towards the encashment of 60 days of earned leave surrendered by the Petitioner in the years before his retirement based on his monthly wages of the respective years of surrender of those earned leave along with interest at the rate of 6% per annum from the respective due dates to the Petitioner, Learned Counsel for the Petitioner submits that the Petitioner would be satisfied, if the representation dated 05.11.2021 made by him in that regard is directed to be disposed by the concerned authority within the time limit that may be fixed by the Court.

3. Having regard to the limited scope of the relief sought in the Writ Petition, this Court without expressing any view on the merits of controversy involved, passes the following order:-



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- (i) the concerned authority shall immediately examine the representation dated 05.11.2021 made by the Petitioner including ascertaining as to whether the Petitioner would be entitled for the relief claimed;
- (ii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 15 days for the same;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and all other persons concerned to explain their respective position in that regard;
- (iv) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated by 31.08.2023 under written acknowledgment;
- (v) if the Petitioner is found entitled to any monetary benefits, the same shall be paid along with working-sheet showing its calculation within a period of three months from the date of passing of that order; and
- (vi) the report of such compliance shall be filed before the Registrar (Judicial) of this Court.



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WEB COPY In the result, the Writ Petition is disposed on the aforesaid terms.

No costs.

03.04.2023

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sgl

Index: Yes/No

Neutral Citation: Yes/No

Note: Issue order copy by 02.06.2023

To

Managing Director,
Tamil Nadu State Transport
Corporation Ltd.,
No.37, Mettupalayam Road,
Coimbatore – 641 043.

Copy to

The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.



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P.D. AUDIKESAVALU, J.

Sgl

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