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W.P. No. 13758 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2023

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

W.P. No. 13758 of 2023

P.Stephen Mathews

... Petitioner

-VS-

Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
No. 37, Mettupalayam Road,
Coimbatore – 641043.

... 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 45 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 within a time frame as may be fixed by this Court.

For Petitioner : Mr. A.Rajendiran

For Respondent : Mr. A.Sundaravadhanam

ORDER

Heard Mr. A.Rajendiran, Learned Counsel for the Petitioner and Mr. A.Sundaravadhanam, Learned Counsel, who takes notice for the Respondent and perused the materials placed on record, apart from the pleadings of the parties.



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2. The Petitioner, who was working as Senior Assistant in the service of the Transport Corporation of the Respondent, retired from service on 30.06.2016 on attaining the age of superannuation.

3. The grievance ventilated by the Petitioner in this Writ Petition is that the encashment of earned leave for 45 days payable to him with interest has not been made by the Respondent despite his representation dated 07.03.2023 sent in that regard.

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:-

- (i) the Respondent shall immediately examine the representation dated 07.03.2023 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,



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an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and all other persons concerned to explain their 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 30.09.2023 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.

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

No costs.

28.04.2023

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Index: Yes/No

Neutral Citation: Yes/No

Note: Issue order copy on 10.07.2023.



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P.D. AUDIKESAVALU, J.

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To

The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Limited,
No. 12, Ramakrishna Road,
Salem – 636007.

Copy to

The Registrar (Judicial),
Madras High Court,
Chennai – 600104.

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