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W.P.Nos.25918 of 2023, etc. batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

**W.P.Nos.25918, 25922, 25924, 25925,
25926, 25929 & 25930 of 2023**

W.P.No.25918 of 2023 :

M.Thangavelu

... Petitioner

Vs.

The Management of
Tamil Nadu State Transport Corporation (Kovai) Ltd.,
Erode Region,
Represented by its Managing Director,
Erode.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondent to pay the petitioner the amount payable towards the encashment of 60 days of Earned Leaves, surrendered by him in the years before his retirement, as admitted by the respondent in the RTI information dated 15.03.2022, either based on his monthly wages of the respective months of surrender of those earned leaves, together with 18% interest per annum 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.



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For Petitioner : Mr.V.Ajoy Khose
in all writ petitions

For Respondent : Mr.M.Murali Vinodh
in all writ petitions

COMMON ORDER

These writ petitions have been filed to direct the respondent to pay the petitioners the amount payable towards the encashment of Earned Leaves, surrendered by them in the years before their retirement, as admitted by the respondent in the RTI information, either based on their monthly wages of the respective months of surrender of those Earned Leaves, together with 18% interest per annum from the respective due dates or based on the monthly wages payable on the month of their retirement, together with 18% interest from the date of their retirement, within a time frame as may be fixed by this Court.

2.It is the case of the petitioners that they retired from the respondent Corporation on various dates, however, the encashment of their Earned Leave, which was surrendered by them before their retirement, are yet to be paid to the petitioners. To the application made under the Right to Information Act, 2005, seeking the amount due to the



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petitioners towards encashment of Earned Leave, the respondent, in their reply, have mentioned the amounts to which the petitioners are entitled as follows :

<i>Petitioner in</i>	<i>Amounts to which entitled towards Encashment of Earned Leave</i>
W.P.No.25918 of 2023	Rs.33,289/-
W.P.No.25922 of 2023	Rs.79,969/-
W.P.No.25924 of 2023	Rs.38,626/-
W.P.No.25925 of 2023	Rs.39,703/-
W.P.No.25926 of 2023	Rs.1,21,497/-
W.P.No.25929 of 2023	Rs.35,191/-
W.P.No.25930 of 2023	Rs.1,29,613/-

Therefore, the petitioners seek directions to the respondents to pay the admitted amounts due to the petitioners.

3.Heard the learned counsel for the petitioner and Mr.M.Murali Vinodh, learned counsel, who takes notice for the respondent.

4.In view of the admitted fact that the petitioners are eligible for the aforesaid amount, which have not been paid till date, the petitioners would be entitled for interest on the outstanding amount. This Court, in various decisions, have already taken a view that, in all cases of belated payment of the terminal benefits, the concerned employee would be entitled for interest at the rate of 4% per annum. Hence, this Court is of



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the view that the petitioners are entitled to interest at the rate of 4% per annum on the oustanding amounts.

5. Accordingly, the respondent is directed to pay the petitioners the oustanding amounts payable to them, as admitted by the respondent, as stated *supra*, with interest at the rate of 4% per annum from the date of their retirement till the date of actual disbursement, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, these writ petitions are disposed of.
No costs.

7. The learned counsel for the respondent is entitled to separate fees for each case.

05.09.2023

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Internet : Yes
Index : Yes / No
Neutral citation : Yes / No
Speaking order / Nonspeaking order



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The Managing Director,
Tamil Nadu State Transport Corporation (Kovai) Ltd.,
Erode Region,
Erode.



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