



WEB COPY



W.P.Nos.29602,29604,29606 and 29609

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2023

CORAM:

THE HON'BLE Mrs.JUSTICE **V.BHAVANI SUBBAROYAN**

W.P.Nos.29602,29604,29606 and 29609 of 2023

- | | | |
|-------------------|-----|------------------------------------|
| 1.M.Nallamadan | ... | Petitioner in W.P.No.29602 of 2023 |
| 2.R.Muralidharan | ... | Petitioner in W.P.No.29604 of 2023 |
| 3.A.N.Ragulan | ... | Petitioner in W.P.No.29606 of 2023 |
| 4.N.Panchamoorthy | ... | Petitioner in W.P.No.29609 of 2023 |

Vs.

M/s. State Express Transport Corporation
rep by its Managing Director
No.2,Pallavan Salai
Chennai-600 002

... Respondent in all cases.

Common Prayer:

Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondent to compute the salary for 63.5,97,65.5 and 19.5 days medical leave as per the last drawn salary of the petitioners retirement on 31.05.2022, 20.11.2020,28.02.2018 and 31.07.2022 respectively and pay the difference amount of Rs.2,82,365/-,3,17,134/-,1,92,872 and 90,404/- respectively with 6% interest in the light of the orders passed by the Madurai Bench of this Court in W.P.(MD)No. 14520 of 2020 on 21.03.2023 as per the G.O.(Ms)No.220 Transport (C1) Department dated 06.08.1999 by considering the representation of the petitioner



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dated 13.09.2023,31.05.2023,14.09.2023 and 13.09.2023 respectively by the petitioners.

WEB COPY For Petitioners : Mr.D.Soundar Raj

For Respondent : Mr.L.S.M.Hasan Fizal

COMMON ORDER

The Writ Petition has been filed for an issuance of a Writ of Mandamus directing the respondent to compute the salary for 63.5,97,65.5 and 19.5 days medical leave as per the last drawn salary of the petitioners retirement on 31.05.2022, 20.11.2020,28.02.2018 and 31.07.2022 respectively and pay the difference amount of Rs.2,82,365/-,3,17,134/-1,92,872/- and 90,404/- respectively with 6% interest in the light of the orders passed by the Madurai Bench of this Court in W.P.(MD)No. 14520 of 2020 on 21.03.2023 as per the G.O.(Ms)No.220 Transport (C1) Department dated 06.08.1999 by considering the representation of the petitioner dated 13.09.2023,31.05.2023,14.09.2023 and 13.09.2023 respectively by the petitioners.

2. With consent on either side, the main Writ Petitions itself are taken up for final disposal at the admission stage.

3. The brief facts of the case is that the petitioners in W.P.Nos.29602,29606 and



29609 as Assistant Engineers and the petitioner in W.P.No.29604 of 2023 as Superintendent. The petitioners retired on attaining the age of superannuation and the petitioner in W.P.No.29604 of 2023 gave VRS and retired on 20.11.2020.

4. The grievance of the petitioners are that at the time of retirement the petitioners surrendered their medical leave by taking the last drawn wages. As per the G.O.(Ms).No.220 Transport (C1) Department dated 06.08.1999 the leave available to the credit of the employee shall be kept separately and it can be encashed at the time of retirement by taking into account the salary drawn at the time of retirement. The petitioners case is that the same was not implemented by the respondent. The petitioners relied on a order passed in W.P.(Md.)No.14520 of 2020 dated 21.03.2023, the Madurai Bench of the Court has directed the respondent to take last pay drawn at the retirement as basis for computing the petitioner's Medical Leave Salary.

5. Mr.L.S.M. Hasan Fizal, learned counsel takes notice for the respondent.

6. Considering the nature of prayer sought for in these Writ petitions to calculate the salary for the respective petitioners medical leave in view of the order passed in W.P.(MD).No.14520 of 2020 dated 21.03.2023 and in view of the G.O.(Ms).No.220



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Transport (C1) Department dated 06.08.1999, the respondent is directed to consider the representation of the petitioners and declare that the petitioners last drawn salary at the time of the petitioners reaching the age of superannuation should be the basis for computing the petitioners medical leave salary. The difference in amount if any shall be paid to the Writ Petitioners along with interest at the rate of 4% per annum.

With the above directions, these Writ Petitions are disposed of. No costs.

12.10.2023

Index:Yes/No;
Internet:Yes/No
Speaking / Nonspeaking order
kpr

To
The Managing Director
M/s. State Express Transport Corporation
No.2,Pallavan Salai
Chennai-600 002

V.BHAVANI SUBBAROYAN J.



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