



WEB COPY



W.P.No.12779 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2024

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**THE HONOURABLE MS.JUSTICE R.N.MANJULA**

W.P. No.12779 of 2021

K.Senathipathy

...

Petitioner

Vs.

1. The Managing Director,  
Tamil Nadu State Transport Corporation,  
(Corporation) Limited, 37,  
Mettupalayam Road,  
Coimbatore - 641 043.

2. The Managing Director,  
Tamil Nadu State Transport Corporation,  
(Salem) Limited, 12, Ramakrishna Main Road,  
Salem - 636 007.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the Respondents herein to settle surrender of earned Leave during the period of service of totaling 75 days by 1st respondent and surrender of earned leave during the period of service totalling 30 days by 2nd respondent and interest for delayed payment of terminal benefits such as Gratuity, Full Pension, Provident Fund, Social Security Scheme amount at 18% per annum from the date of superannuation from service i.e., 30.09.2019 to the date of settlement of terminal benefits, namely 27.01.2021 within a time frame.



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For Petitioner : Mr.V.Subramani  
For Respondents : Mr.R.Sundaravadhanam (For R1)  
Mr.R.Babu (for R2)

### **ORDER**

The limited prayer sought for in this Writ Petition is that despite the retirement benefits of the petitioner have been settled by the respondents, the Earned Leave was not encashed and the same was not paid to the petitioner so far.

2. Earlier the petitioner was working with the 2nd respondent and at the time of retirement, he was working with the 1st respondent. The eligible Earned Leave accrued in the account of the petitioner for encashment at the time of retirement has been worked out by the 1st and 2nd respondents. However, the same has not been paid so far.

3. The learned counsel for the petitioner submitted that the petitioner has retired from service on 30.09.2019 and his terminal benefits have been settled except the surrender of Earned Leave i.e, 75 days of Earned Leave is to be surrendered with the 1st respondent and 30 days of Earned Leave



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is to be surrendered with the 2nd respondent. In this regard, the petitioner made a representation on 01.02.2021 to the respondents and the same was not considered so far.

4. Considering the above, both the respondents are directed to consider the representation of the petitioner, dated 01.02.2021 regarding the sanction of the encashment of Earned Leave, and settle the same as per rules within a period of four weeks from the date of receipt of a copy of this order. Though the petitioner has claimed interest for delayed settlement of terminal benefits, the respondents are directed to pay the interest, if any, on the terminal benefits for the delay made for settling the same as per rules.

5. With the above direction, this Writ Petition is disposed of. No costs.

**08.01.2024**

Index: Yes / No  
Speaking order / Non-speaking order  
vum



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**R.N.MANJULA ,J.**

vum

To:

1. The Managing Director,  
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