



W.P.No.14602 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2024

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THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.14602 of 2021

O.Sampath Kumar

... Petitioner

/vs/

Tamilnadu State Transport Corporation (Kovai) Ltd.,
Coimbatore Region,
Rep. by its Managing Director,
Mettupalayam Road,
Coimbatore – 641 043.

... Respondent

Writ Petition is filed under Article 226 of the Constitution of India to issue 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, either based on his monthly wages of the respective months of surrender of those earned leaves, together with 18% interest p.a. from the respective due dates or base don the monthly wages payable on the month



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of his retirement, together with 18% interest from the date of his retirement, within a time frame.

For Petitioner ... Ms.Pozhil Ilavenil
for Mr.V.Ajoy Khose

For Respondents ... Mr.Sudaravadanan
Standing Counsel

ORDER

Heard Ms.Pozhil Ilavenil, the learned counsel for the petitioner,
Mr.Sundaravadanan, the learned Standing Counsel for the respondents.

2. The petitioner has filed this writ petition seeking 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 with interest.

3. The petitioner was employed in the respondent corporation as a “Driver” from 20.06.1992. After completing 27 years of service, he worked as “Special Grade Driver” in the respondent corporation and he



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retired from service on 31.05.2019 on reaching superannuation. Despite his continuous request, his earned leave encashment was not done. Hence the petitioner has filed this writ petition seeking direction.

4. From the information furnished to the petitioner by the respondent through the Right To Information Act, it is seen that the petitioner has got 56 days Medical Leave. It is also seen that the petitioner had surrendered 60 days of his Earned Leave for encashment but so far it has not been sanctioned to the petitioner. But it has been simply stated by the respondent that the above amount will be settled after the financial situation of the respondent corporation improves.

5. The financial constraints of the respondents cannot be a reason for not settling the retiral benefits of an employee who rendered his services for nearly three decades. Hence, I feel the respondent shall give priority to such settlement and pass orders and disburse the same at the earliest.



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WEB COPY 6. In view of the same, this writ petition is allowed and the respondent is directed to pay the petitioner the amount payable towards the encashment of 60 days of Earned leave, along with interest at the rate of 6% p.a., from the date of his retirement, within a period of four weeks from the date of receipt of a copy of this order. No costs.

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Index: Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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To:
WEB COPY

The Managing Director,
Tamilnadu State Transport Corporation (Kovai) Ltd.,
Coimbatore Region,
Mettupalayam Road,
Coimbatore – 641 043.



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R.N.MANJULA ,J.

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