



WP.No.17060 of 2022

WP.No.17060 of 2022

WEB **G.K.ILANTHIRAIYAN, J.**

At the instance of the learned counsel for the petitioner, today this matter has been posted under the caption “for being mentioned”.

2. Heard, the learned counsel appearing on either side.

3. Considering the submissions of the learned counsel appearing on either side, it is ordered that the entire order passed in WP.No.17060 of 2022 dated 29.01.2024 shall read as follows:

“This writ petition has been filed for direction to the respondent to pay the petitioner the amount payable towards the encashment of 60 days of earned leaves, surrendered by her husband/employee N.Selvaraj, Staff No.J00816 before his retirement 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 based on the monthly wages payable on the month of his retirement, together with 18% interest from the



WP.No.17060 of 2022

date of his retirement.

WEB COPY

2. The petitioner's husband was employed in the respondent corporation as Junior Assistant from 19.12.1987. After completion of 27 years of service, while he was working as Selection Grade Assistant, he was retired from service on 31.05.2014. As per Section 12(3) of the I.D.Act, 1947, in terms of the settlement, the workman is entitled to get earned leave at the ratio that if he has worked 11 working days in a calender month, he shall be given one day of earned leave and the same will be credited to his leave account in the subsequent month. Thus, a workman can earn up to 30 days of earned leaves. Apart from that, every workman can surrender 15 days of earned leaves once in every calender year and get encashment for the same as per the settlement dated 13.02.1999. Therefore, surrender of Earned Leave and encashment of the same is one of the service condition made available by way of settlement. Therefore, the petitioner's husband surrendered 60 days of earned leaves from the leave credit in the year 2009 to 2012 before his retirement. However, the respondent not paid the amount to him due to financial crisis. Therefore, the petitioner's husband made



WP.No.17060 of 2022

request repeatedly and it was not considered. Unfortunately, the petitioner's husband died on 20.07.2021. In fact, the information obtained by the petitioner under RTI also confirmed the amount payable by the respondent to the petitioner as totally Rs.38,452/- for 60 days of earned leave which was surrendered by the petitioner's husband.

3. In view of the above, the respondents are directed to disburse the amount towards encashment of Earned Leave for a period of 60 days which was already surrendered by the petitioner's husband with applicable interest within a period of eight weeks from the date of receipt of copy of this order.

4. With the above direction, this writ petition is disposed of. No costs."

4. Accordingly, the Registry is directed to issue a fresh order copy in WP.No.17060 of 2022 dated 29.01.2024 after making necessary corrections.

04.03.2024



WP.No.17060 of 2022

G.K.ILANTHIRAIYAN, J.

gvn

WP.No.17060 of 2022

04.03.2024



WP.No.17060 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2024

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.17060 of 2022

S.Yasodha

...Petitioner

-Vs-

The Management of
TamilNadu State Transport Corporation (Kovai) Ltd.,
Erode Region,
Rep. 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 directing the respondent to pay the amount payable towards the encashment of 60 days of earned leaves, surrendered by her husband/employee N.Selvaraj, Staff No.J00816 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 based on the monthly wages payable on the month of



WP.No.17060 of 2022

his retirement, together with 18% interest from the date of his retirement, within a time frame as may be fixed by this Hon'ble Court.

For petitioner : Mr.V.Ajoy Khose

For respondent : Mr.T.Chandrasekaran
Standing Counsel

ORDER

This writ petition has been filed for direction to the respondent to pay the amount payable towards the encashment of 60 days of earned leaves, surrendered by her husband/employee N.Selvaraj, Staff No.J00816 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 based on the monthly wages payable on the month of his retirement, together with 18% interest from the date of his retirement.

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondent and perused the



WP.No.17060 of 2022

materials available on record.

WEB COPY

3. In identical issues, this Court has passed various orders, justifying the payment of interest to the aggrieved pensioners and in the order dated 13.12.2019 in W.P.(MD).No.26481 of 2019, the following order came to be passed : -

"5. I am not in agreement with the said representation made. There was already a duty cast on the respondent Corporation to pay the terminal benefits on the date of retirement itself and the very fact that the belated disbursement of retirement benefit, had already put the retired employee to serious prejudice, entertaining the present request for disbursement of the interest on the belated payment in installments, could cause further prejudice to the retired employee.

6. In the light of the above observations, there shall be a direction to the respondent / Corporation to pay the penal interest at the rate of 6% per annum on the belated payment of the retirement benefits for the period from the date of the



WP.No.17060 of 2022

retirement, till the date of the actual disbursement, as expeditiously as possible and in any event, not before the expiry of three month from the date of receipt of a copy of this order.

4. This Court is of the view that the respondent could be directed to pay the interest on the belated payment, at the rate of 6% per annum, as ordered in the above writ petition.

5. In the light of the above findings, there shall be a direction to the respondent herein to pay the interest on the belated payment of the terminal benefits of the deceased N.Selvaraj, Staff No.J00816 to the petitioner at the rate of 6% per annum, commencing from the date of the retirement, till the date of actual disbursement, within a period of eight weeks from the date of receipt of copy of this order.

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

29.01.2024



WP.No.17060 of 2022

Index : Yes/No

Internet: Yes/No

gvn



WP.No.17060 of 2022

WEB COPY

To

The Management of
TamilNadu State Transport Corporation (Kovai) Ltd.,
Erode Region,
Rep. by its Managing Director,
Erode.



WEB COPY



WP.No.17060 of 2022

G.K.ILANTHIRAIYAN,J.
gvn

W.P.No.17060 of 2022

29.01.2024