



W.P.No.21210 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.07.2024

CORAM
THE HON'BLE MR.JUSTICE G.K. ILANTHIRAIYAN.

W.P.No.21210 of 2024

N.Soundararajan .. Petitioner
Vs.
1. Government of Tamil Nadu
Rep. by its Principal Secretary
Transport Department
Fort St. George, Chennai – 600 009.
2. Institute of Road Transport
Rep. by its Director
Taramani, Chennai – 600 113.
3. The Governing Council
Institute of Road Transport
Taramani, Chennai – 600 113. .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking for a writ of certiorarified mandamus, calling for the records pertaining to the order of the second respondent in proceedings No.2552/A1/2002-1, dated 09.09.2003 and proceedings N.2532/A1/IRT/2002, dated 24.01.2005 and all other connected records and quash the same insofar as allowing the encashment of sick/medical leave only at the rate of basic pay and dearness allowance as on 01.09.1998 at the time of retirement and insofar as withdrawing the encashment of sick/medical leave at the time of retirement retrospectively with effect from 01.09.1998 and deleting Rule 4(f) of the IRT Leave Rules respectively and consequently direct the respondents to pay the petitioner sick/medical leave salary for 72 days, which accrued to his credit upto 31.08.1998 based on the rate of basic pay and dearness allowance paid to him as on the date of his retirement, together with interest at the rate of 4% per annum from the date of his retirement till it is actually paid to him, award costs.



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For Petitioner : Mr.S.Manocaran
For Respondents : Mr.E.Vijay Anand
Additional Government Pleader
for R1
Mr.C.Gouthamaraj
Standing Counsel
for R2 and R3

ORDER

When the matter came up for hearing today, both side learned counsel are at *idem* that the prayer in the present writ petition is covered by the earlier judgment of this Court dated 12.06.2024 in W.A.Nos.718 & 2022 of 2022 and etc. batch.

2. The operative portion of the said order, which is contained in paragraphs 5 & 6, are extracted hereunder:

"5. Accepting the contention made by the learned counsel for the respondents/writ petitions, this Court directs the appellants Department to pay interest @ 4% to all the respondents in the writ appeals and writ petitioners, if not already settled, for the amounts which have been settled belatedly, subject to their eligibility for encashment of sick leave, till the payment of the said amount to the respondents. The aforesaid exercise shall be completed by the appellants Department as early as possible.



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6. These writ appeals and writ petitions are disposed of with the above directions. No costs. Consequently, connected miscellaneous petitions are closed."

3. In view thereof, the present writ petition also stands disposed of. There shall be no order as to costs. Consequently, W.M.P.No.23160 of 2024 is closed.

26.07.2024

Neutral Citation : Yes/No

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To:

1. The Principal Secretary
Government of Tamil Nadu
Transport Department
Fort St. George, Chennai – 600 009.
2. The Director
Institute of Road Transport
Taramani, Chennai – 600 113.
3. The Governing Council
Institute of Road Transport
Taramani, Chennai – 600 113.



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G.K. ILANTHIRAIYAN, J.

(drm)

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