



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.23301 of 2024

P.Kalidasan

... Petitioner

Vs.

The Management of
Tamil Nadu State Transport Corporation (Salem) Limited
Rep. By its Managing Director,
Salem

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent pay the petitioner the amount payable towards the encashment of 60 days of earned leaves, surrendered by the petitioner in the years before his retirement and also towards Employees Retirement Benefit scheme as admitted by the respondent in the RTI information dated 22.04.2024 either based on his monthly wages of the respective months of surrender of those earned leaves together with 18% interest per annum 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 recruitment within a time frame.



WEB COPY



For Petitioner : Mr.G.Vijay Priyan
for Mr.V.Ajay Khose
For Respondents : Mr.K.Raja
Standing counsel

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the respondent to pay the amount payable towards the Encashment of 60 days Earned leave surrendered by the petitioner before his retirement with interest at the rate of 18% per annum from the date of retirement till the date of actual payment.

2. The case of the petitioner is that he was working as a Junior Assistant in the respondent Corporation from 05.06.1987. After completion of 35 years of service, he retired from service as “Senior Superintendent” on 30.06.2022.

3. The further case of the petitioner is that while settling his terminal



benefits, the respondents failed to pay and settle the amount towards 60 days of Earned Leave, which were surrendered by the petitioner on or before his retirement. The petitioner made an application under the Right to Information Act and the respondent also provided the details of amount to be paid to the petitioner under this head through information dated 14.06.2024. Since the amount due and payable towards the encasement of earned leave was not paid to the petitioner, the present writ petition has been filed seeking for appropriate directions.

4. Heard Mr.G.Vijay Priyan, learned counsel for Mr.V.Ajay Khose, learned counsel for the petitioner and Mr.K.Raja, learned Standing counsel for respondent.

5. Taking into consideration the facts and circumstances of the case and the RTI information dated 20.04.2024 that was furnished to the petitioner, there shall be a direction to the respondent Corporation to settle the amount due and payable towards the encashment of 60 days earned leave, within a period of six weeks from the date of receipt of a copy of this order with 6% interest from



the date of retirement till the date of actual realisation. If there is any delay in settling the amount within the time frame fixed by this Court, the respondent Corporation will be liable to pay interest at the rate of 12% from the date of retirement till the date of actual realisation.

6. The petitioner is directed to make a fresh representation to the respondent along with a copy of this order.

7. This writ petition is disposed of with the above directions. No costs.

12.08.2024

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
rka

To

The Management of
Tamil Nadu State Transport Corporation (Kovai) Limited
Rep. By its Managing Director,
Salem



WEB COPY



N. ANAND VENKATESH, J.

rka

W.P.No.23301 of 2024

12.08.2024