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Writ Petition No.25534 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.25534 of 2024

Nazar Ali
S/o.Ajeeskhan

... Petitioner

Vs.

Tamil Nadu State Transport
Corporation (Kovai) Ltd.,
represented by its
Managing Director,
No.37, Mettupalayam Road,
Coimbatore.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondent to pay the amount payable towards the encashment of 45 days of earned leave surrendered by the petitioner in the years before the petitioner's retirement as admitted by the respondent, either based on the petitioner's monthly wages of the respective months of surrender of those earned leave, together with interest at 18% p.a. from the respective due dates or based on the monthly wages payable on the month of petitioner's retirement together with 18% interest from the date of petitioner's retirement within a time frame fixed by this Court.

For Petitioner : Mr.V.Ajoy Khose

For Respondent : Mr.C.Gouthamaraj
Standing Counsel



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ORDER

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This writ petition has been filed seeking issuance of a writ of mandamus directing the respondent to disburse leave encashment benefit to the petitioner with interest at the rate of 18% per annum from the said date of entitlement to till the date of actual disbursement.

2. Heard Mr.V.Ajoy Khose, learned counsel for petitioner and Mr.C.Gouthamaraj, learned Standing Counsel appearing for respondent.

3. The case of the petitioner is that he was working as Driver in the respondent Corporation and ultimately, he retired from service on 31.05.2018 on attaining the age of superannuation in the cadre of Senior Grade Driver.

4. The grievance of the petitioner is that even though he retired from service as early as on 31.05.2018, the respondent has not settled the leave encashment benefit. In view of the same, the petitioner submitted a representation to the respondent on 15.03.2024 to disburse the leave encashment benefit with interest at 18% p.a. Since the same was not considered, the present writ petition has been filed.



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5. Taking into consideration the facts and circumstances of the case and the grievance expressed by the petitioner, there shall be a direction to the respondent to pay the eligible and admissible amount with interest at the rate of 6% p.a. for the belated payment to the petitioner within a period of six (6) weeks from the date of receipt of a copy of this order. It is made clear that if the amount is not paid within the time frame fixed by this Court, it will fetch interest at the rate of 12% p.a. from the date on which the amount became due and payable till the date of actual realisation.

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

This Writ Petition is disposed of with the above direction. No costs.

02.09.2024

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order
gm



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N.ANAND VENKATESH, J

gm

To

The Managing Director,
Tamil Nadu State Transport
Corporation (Kovai) Ltd.,
No.37, Mettupalayam Road,
Coimbatore - 43.

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