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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.28681 of 2024

N.Nagarathinam

... Petitioner

Vs.

The Managing Director,
Tamil Nadu State Transport Corporation
37, Mettupalayam Road,
Coimbatore 641 043

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to disburse amount payable towards the encashment of 60 days of Earned Leave Surrendered by her husband in the years before retirement of her husband based on his monthly wages of the respective years of surrender of those Earned Leave together with 12 percent interest per annum from the respective due dates within a time frame as may be fixed by this Court.

For Petitioner : Mr.A.Rajendiran

For Respondent : Mr.C.Gowthamaraj
Standing counsel



ORDER

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This writ petition has been filed for the issue of writ of Mandamus directing the respondents to disburse amount payable towards the encashment of 60 days of Earned Leave Surrendered by her husband in the years before retirement of her husband based on his monthly wages of the respective years of surrender of those Earned Leave together with 12 percent interest per annum from the respective due dates within a time frame as may be fixed by this Court.

2.The case of the petitioner is that petitioner is the legal heir of the deceased Nagarajan. The deceased Nagarajan was working as a Security Guard in the respondent Corporation from 25.11.1985. After completion of 32 years of service, he retired from service on 31.05.2017. After his retirement, he died on 22.05.2024.

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 of her husband, which were surrendered by the deceased Nagarajan 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 17.08.2024. 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.A.Rajendiran, learned counsel for the petitioner and Mr.C.Gowthamaraj, learned Standing counsel for respondent.

5.Taking into consideration the facts and circumstances of the case and the RTI information dated 17.08.2024 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.



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N. ANAND VENKATESH, J.

SSR

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.

26.09.2024

Internet : Yes

Index : Yes

Speaking Order / Non Speaking Order
ssr

(2/2)

To

The Managing Director,
Tamil Nadu State Transport Corporation
37, Mettupalayam Road,
Coimbatore 641 043

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