



W.P.No. 12623 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.02.2024

CORAM

THE HON'BLE MR.JUSTICE BATTU DEVANAND

W.P.No. 12623 of 2017

N.Karunanithy

..Petitioner

Vs

Puducherry Road Transport Corporation,
Rep. By its Managing Director,
Raja Nagar, Puducherry.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration, declaring that the action of the respondent in deducting Rs.33,462/- from the petitioner's Gratuity and withholding Rs.2,41,788/- payable to him towards earned leave encashment as illegal, arbitrary and contrary to law and consequently, direct the respondent to pay Rs.2,75,250/- to the petitioner along with interest at the rate of 10% per annum from the date of retirement of the petitioner till actual payment.

For Petitioners : Mr.Balan Haridass

For Respondents : Ms.K.Bhuvaneswari
for M/s.A.R.Nixon



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ORDER

The petitioner has filed this writ petition against the action of the respondent in deducting Rs.33,462/- from the petitioner's Gratuity and withholding Rs.2,41,788/- payable to him towards earned leave encashment as illegal, arbitrary and contrary to law and consequently, direct the respondent to pay Rs.2,75,250/- to the petitioner along with interest at the rate of 10% per annum from the date of retirement of the petitioner till actual payment.

2. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondent and perused the materials available on record.

3. It is the case of the petitioner that he worked in the respondent Corporation as Driving Instructor. After rendering 30 years of service, he retired on 31.12.2016. On his retirement, the petitioner is entitled for gratuity, encashment of earned leave etc., The gratuity payable is Rs.6,04,470/- and the earned leave encashment payable to the petitioner is Rs.2,41,788/-. When the petitioner made a request to settle the aforesaid



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amount, the respondent gave a reply dated 03.02.2017 to effect that the gratuity will be settled after adjusting the amount payable by the petitioner for the outside recoveries and after recovering a sum of Rs.27,435/- payable by the petitioner to the credit society and further, a sum of Rs.33,462/- payable to IDBI Bank personal loan. In respect of encashment of leave, it is stated that the amount is kept pending towards the Court litigation vide O.S.No.347/2016. To settle the said amount, the petitioner made several representations to the respondent. As there is no proper response from the respondent, the petitioner has filed this writ petition.

4. During course of hearing, the learned Standing Counsel for the respondent, on instructions, submits that the petitioner was paid an amount of Rs.2,41,788/- towards encashment of earned leave by way of cheque No.468597, dated 05.09.2018 drawn on State Bank of India.

5. The learned Standing Counsel also submits that based on the request made by the IDBI Bank, an amount of Rs.33,462/- was paid to the said bank towards recovery of the personal loan amount from the petitioner



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vide cheque bearing No.424353, dated 10.01.2017. The learned counsel also placed the relevant document before this Court. The said document is placed on record.

6. On careful examination of record, it appears that the respondent has paid an amount of Rs. 2,41,788/- to the petitioner towards encashment of earned leave and a sum of Rs.33,462/- was paid to the IDBI Bank as remittance of the personal loan obtained by the petitioner from the said Bank. As such, the respondent has settled all the issues as sought for by the petitioner.

7. The learned counsel for the petitioner submits that to ascertain the fact that the petitioner has been paid all the amounts as stated by the respondent, the learned counsel for the petitioner respondent has sent a letter through registered post to the petitioner and the same was served on him on 18.01.2024. But she could not get any instructors from the petitioner as the petitioner did not turn up.



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8. In view of the above factual situation, considering the submission made by the learned counsel for the respondent, in view of the fact that all eligible amounts have been paid to the petitioner, in the consider opinion of this Court, instead of keeping this writ petition pending further, it is appropriate to close the writ petition.

9. Accordingly, the writ petition is closed.

No costs.

19.02.2024

rli

Index : Yes/No

Internet: Yes/No

Speaking order/ Non speaking order

To

The Managing Director,
Puducherry Road Transport Corporation,
Raja Nagar, Puducherry.
Raja Nagar, Puducherry.



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BATTU DEVANAND, J

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