



W.P.No.30720 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 18.10.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.30720 of 2024

N.Duraisamy

.. Petitioner

Vs.

The Management of
Tamilnadu State Transport Corporation (Kovai) Ltd.,
Erode Region,
Rep. By its Managing Director, Erode.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to pay the petitioner the amounts, payable towards Employees Retirement Benefit Scheme and the encashment of 45 days of earned leaves, surrendered by him in the years before his retirement, as admitted by the respondent in the RTI information dated 15.07.2024 and 01.08.2024, together with 18% interest, within a time frame as may be fixed by this Court.

For Petitioner : Mr.V.Ajoy Khose

For Respondent : Mr.M.Murali Vinodh
Standing Counsel



W.P.No.30720 of 2024

ORDER

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This writ petition has been filed for the issue of writ of mandamus directing the respondent to pay the petitioner the amounts, payable towards Employees Retirement Benefit Scheme and the encashment of 45 days of earned leaves, surrendered by him in the years before his retirement, as admitted by the respondent in the RTI information dated 15.07.2024 and 01.08.2024, together with 18% interest, within a time frame as may be fixed by this Court.

2.The case of the petitioner is that he joined the services of the respondent Corporation in the year 1993 and retired from service on 30.11.2019.

3.The grievance of the petitioner is that after his retirement, he was not paid the Employees Retirement Benefit Scheme and encashment of surrendered Earned Leave salary in the years before his retirement for 45 days. Hence, the petitioner sent representation dated 10.08.2024 to the respondent seeking for payment of leave encashment benefits with interest. Since the same did not evoke any response, the petitioner has come with the present writ petition for the relief sought for above.



W.P.No.30720 of 2024

4. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent.

5. Taking into consideration the facts and circumstances of the case and the materials available on record, this writ petition is disposed of with a direction to the respondent to pay the eligible amount with interest at the rate of 6% per annum for the delay period in settling the terminal benefits. This payment shall be made 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 an interest at the rate of 12% per annum 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. No costs.

18.10.2024

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Index : Yes / No

Internet : Yes / No

Neutral Citation : Yes / No



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W.P.No.30720 of 2024

N.ANAND VENKATESH, J.

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To

The Management of
Tamilnadu State Transport Corporation (Kovai) Ltd.,
Erode Region,
Rep. By its Managing Director,
Erode.

W.P.No.30720 of 2024

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(4/10)