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W.P.No.31200 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.31200 of 2024

E.K.Gopal

.. 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 amount payable towards 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 17.07.2021, either based on his monthly wages of the respective months of surrender of those earned leaves, together with 18% interest p.a. 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 retirement, within a time frame as may be fixed by this Court.



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For Petitioner : Mr.V.Ajoy Khose
For Respondent : Mr.M.Murali Vinodh
Standing Counsel

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the respondent to pay the petitioner the amount payable towards 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 17.07.2021, either based on his monthly wages of the respective months of surrender of those earned leaves, together with 18% interest p.a. 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 retirement, 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 1981 and retired from service on 31.12.2012.



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3.The grievance of the petitioner is that after his retirement, he was not paid the encashment of surrendered Earned Leave salary in the years before his retirement for 45 days. Hence, the petitioner sent representation dated 03.08.2024 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.

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.



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6.The petitioner is directed to submit a fresh representation to the respondent along with a copy of this order. No costs.

21.10.2024

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

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



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N.ANAND VENKATESH, J.

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