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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.31196 of 2024

A.K.Shanmugam
S/o.Kuppusamy ... Petitioner

Vs.

The Management of
Tamilnadu State Transport Corporation (Kovai) Ltd.,
Erode Region.
Rep. by its Managing Director,
Erode. ... 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 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 fixed by this Court.

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For Petitioner : Mr.V.Ajoy Khose

For Respondent : Mr.M.Murali Vinoth
Standing Counsel

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O R D E R

This writ petition has been filed seeking issuance of 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 fixed by this Court.

2. Heard Mr.V.Ajoy Khose, learned counsel for petitioner and Mr.M.Murali Vinoth, learned Standing Counsel appearing for respondent.

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3. The case of the petitioner is that he was appointed as Conductor in the respondent transport corporation on 29.08.1986 and after completion of more than 33 years of service, the petitioner had retired from service on 30.04.2019 as Special Grade Conductor on attaining the age of superannuation.

4. The grievance of the petitioner is that though while settling the terminal benefits, the respondent failed to pay and settle the amount payable towards remaining 45 days of earned leaves, which were surrendered by the petitioner before his retirement. In view of the same, the petitioner submitted a representation dated 07.08.2024 to the respondent in this regard. Since the same was not considered, the present writ petition has been filed.

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

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N.ANAND VENKATESH, J

gm

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 individual representation to the respondent along with a copy of this order.

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

22.10.2024

Neutral Citation: Yes/No
Index: Yes/no
Speaking Order/Non-Speaking Order
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To
The Managing Director,
Tamilnadu State Transport Corporation (Kovai) Ltd.,
Erode Region, Erode.

Writ Petition No.31196 of 2024

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