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W.P.No.35510 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.35510 of 2024

R.CHIDAMBARAM

PETITIONER(S)

Vs

THE MANAGEMENT OF
TAMIL NADU STATE TRANSPORT CORPORATION
(KOVAI) LTD, ERODE REGION,
REP BY ITS MANAGING DIRECTOR,
ERODE.

RESPONDENT(S)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India 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 the petitioner, in the years before his retirement, as admitted by the respondent in the information under RTI dated 24.09.2024, 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.AJAY KHOSE
For Respondents :Mr.M.Murali Vinodh
Standing Counsel

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2. The petitioner has filed this writ petition 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 the petitioner, in the years before his retirement, as admitted by the respondent in the information under RTI dated 24.09.2024, 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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3. The case of the petitioner is that the petitioner was appointed/working as Conductor in the respondent Corporation from 30.01.1992. After completion of 24 years of service and finally working as Special Grade Conductor in the respondent Corporation, he was retired from service on 31.12.2016 on reaching superannuation. Even after passing of 7 years and in spite of his continuous requests, payment towards encashment of 45 days of already surrendered earned leaves has not been paid by the respondent. The petitioner sent a representation on 09.10.2024 to the respondent in this regard. But, the respondent has not come forward to pay the amount till date, in spite of continuous requests. Therefore, the petitioner is deprived of his wages. Hence this petition.

4. The learned counsel for the petitioner submitted that it would be suffice if this Court issues a direction to the respondent to consider the case of the petitioner and pass orders.

5. The learned standing counsel appearing for the respondent submitted that the petitioner's case will be considered and will pay the eligible amount with 6% interest P.A as per the earlier orders of this



6. Considering the facts of the case, this Court on submission made by either side counsel directs the respondent to consider the petitioner's case and pass orders on the claim made by the petitioner within a period of twelve weeks from the date of receipt of a copy of this Order. With regard to interest for the belated payment it will be 6% interest per annum from the date on which the amount became due and payable till the date of disbursement. It is made clear that if the amount is not paid within the time frame fixed by this Court, the same will carry interest at the rate of 12% per annum from the date on which the amount became due and payable till the date of disbursement.

7. With the above directions, this Writ Petition stands disposed of.
No order as to costs.

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Index: Yes/No
Speaking order/Non-speaking order



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To
THE MANAGING DIRECTOR,
THE MANAGEMENT OF
TAMIL NADU STATE TRANSPORT CORPORATION
(KOVAI) LTD, ERODE REGION,
ERODE.

V.BHAVANI SUBBAROYAN,J.



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