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W.P.No.35648 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.35648 of 2024

M.Marappan

... Petitioner

-Vs-

The Management of
Tamil Nadu 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 for the issuance of a direction in the nature 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 02.03.2024, 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.

For Petitioner : Mr.S.Arunachalam

For Respondent : Mr.M.Murali Vinodh
Standing Counsel



W.P.No.35648 of 2024

WEB COPY

ORDER

This writ petition is filed to direct 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 02.03.2024, 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.

2. The case of the petitioner is that he was Checking Inspector in the respondent Corporation and retired from service on 28.02.2013.

3. The grievance of the petitioner is that he has not been paid the leave encashment benefits of Rs.7,096/- for the period of 11/2008 and Rs.7,928/- for the period of 11/2009 and Rs.8,759/- for the period of



W.P.No.35648 of 2024

11/2010, totally for a period of 45 days. Hence, the petitioner sent representation dated 25.07.2024 to the respondent seeking for payment of leave encashment benefits with interest. Since the representation of the petitioner is not considered by the respondents, he has filed this writ petition before this Court.

4. The learned counsel for the petitioner also submitted that in similar case, this Court in W.P.No.30247 of 2024 dated 15.10.2024 had considered the case of the petitioner.

5. Heard the learned counsel on both sides and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the materials available on record and the above order passed by this Court in W.P.No.30247 of 2024 dated 15.10.2024, this Court issues the following directions:

"The respondent is directed to pay the eligible amount with interest at the rate of 6% per annum for the delay period in settling the terminal



W.P.No.35648 of 2024

benefits. 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."

7. In the result, the writ petition stands disposed of with the above observation and direction. No costs.

25.11.2024

ssn

Index : Yes/No

Speaking/Non Speaking order

To

The Managing Director,
Management of
Tamil Nadu State Transport Corporation (Kovai) Ltd.,
Erode Region,
Erode.



WEB COPY



W.P.No.35648 of 2024

J.SATHYA NARAYANA PRASAD, J.,

ssn

W.P.No.35648 of 2024



WEB COPY



W.P.No.35648 of 2024

25.11.2024