



WA.Nos.718 of 2022 etc., batch

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2024

CORAM:

**THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR
AND
THE HONOURABLE MR JUSTICE K.KUMARESH BABU**

W.A.Nos.718 & 720 of 2022

**W.P.Nos.6565, 6567, 6571, 6560, 6561, 6564, 7561, 7558, 7556, 7554, 7552,
7563, 7605, 7602, 7598, 7596, 7593, 9973, 6463, 6466, 6469, 6472, 6475,
6476, 6479 of 2023**

and

**WMP.Nos.6648, 6642, 7705, 6510, 6509, 7662, 7663, 7664, 7665, 7671, 7670,
7657, 7658, 7659, 7660, 7704, 7676, 7675, 7726, 7724, 7723, 7722, 7714,
7713, 7710, 7709, 10022, 10024, 10025, 6494, 6518, 6517, 6515, 6514, 6511,
6507, 6503, 6500, 6497, 6522, 6520, 6647, 6645, 6644, 6643, 6640, 6639,
6638, 6637, 6636 and 6635 of 2023**

CMP.Nos.4984 and 4979 of 2022

W.A.Nos.718 and 720 of 2022

- 1.The Governing Council,
Institute of Road Transport,
Taramani, Chennai-600 113.
- 2.The Institute of Road Transport,
Rep by its Director,
Taramani, Chennai-600 113.

... Appellants in both W.As.
vs.



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1.K.V.Neelakantan	..	R1 in W.A.No.718 of 2022
2.Pallom Baalaiah	..	R1 in W.A.No.720 of 2022
3.The Special Commissioner and Secretary to Government, Secretary to Government, Transport Department, Secretariat, Chennai-600 009.	..	R2 in both W.As.

W.A.No.6565 of 2023

V.Somanathan	...	Petitioner
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vs.

1.Govt. of Tamilnadu, Rep. by its Principal Secretary, Transport Department, Fort St.George, Chennai-600 009.		
2.Institute of Road Transport, Rep. by its Director, Tatarmani, Chennai-600 113.		
3.The Governing Council, Institute of Road Transport, Taramani, Chennai-600 113.	..	Respondents



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Prayer in Writ Appeals.: Writ Appeals filed under under Clause 15 of the Letters Patent against the order dated 21.11.2016 made in W.P.Nos.20994 and 20995 of 2008.

Prayer in Writ Petition: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the order of the second respondent in Proceedings No.2552/A1/2002-1, dated 09.09.2003 and Proceeding No.2532/A1/IRT/2002, dated 24.01.2005 and all other connected records and quash the same insofar as allowing the encashment of sick/medical leave only at the rate of basic pay and dearness allowance as on 01.09.1998 at the time of retirement and insofar as withdrawing the encashment of sick/medical leave at the time of retirement retrospectively with effect from 01.09.1998 and deleting Rule 4(f) of the IRT Leave Rules respectively and consequently, direct the respondents to pay the petitioner sick/medical leave salary for 173 days, which accrued to his credit upto 31.08.1998 based on the rate of basic pay and dearness allowance paid to the petitioner as on the date of his retirement, together with interest at the rate of 12% per annum, from the date of his retirement, till it is actually paid to the petitioner, award costs.

For Appellants	: Mr.A.Thayaparan for M/s.Kalaramesh
For Petitioners	: Mr.V.Ajay Khose
For Respondents	: Mr.L.G.Sahadevan for R1 in W.As. Mr.V.Manoharan, Additional Govt. Pleader for R2 in W.As. and for R1 in W.Ps. Mr.A.Thayaparan for Mr/Kalaramesh for R2 & R3 in W.Ps.



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COMMON JUDGMENT

[Order of the Court was made by *D.KRISHNAKUMAR, J.*]

The learned counsel for the appellants would submit that the writ appeals have been preferred as against the order of the Writ Court permitting the respondents to encash the sick leave accrued in their account earned between 01.09.1998 and 24.01.2005. The appellants have raised a ground in these writ appeals that the impugned proceedings issued by the appellant dated 24.01.2005 has given retrospective effect, on that ground the order of the Writ Court is liable to be set aside.

2. The learned counsel for the appellants submitted that in pursuant to the interim order passed in the writ appeals, the appellant Corporation has paid the sick leave encashment to the respective respondent/employees. It is further submitted by the learned counsel for the appellants that the Writ Court has not passed any orders for payment of interest to the respondents and the respondents has also not chosen to file any appeal for payment of interest for belated payment.



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respondents. The aforesaid exercise shall be completed by the appellants department as early as possible.

6. These Writ appeals and Writ Petitions are disposed of with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

(D.K.K., J.) (K.B., J.)
12.06.2024

Intex : Yes/No
Internet : Yes/No
Jvm

To

1. The Principal Secretary,
Government of Tamilnadu,
Transport Department, Fort St. George,
Chennai-600 009.
2. The Director,
Institute of Road Transport,
Taramani, Chennai-600 113.
3. The Governing Council,
Institute of Road Transport,
Taramani, Chennai-600 113.



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4.The Special Commissioner and Secretary to Government,
Secretary to Government,
Transport Department, Secretariat,
Chennai-600 009.



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