



W.P.No.17744 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2025

CORAM

THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

W.P.No.17744 of 2025

and

W.M.P.Nos.20010 & 20011 of 2025

- 1.R.Jothilingam
- 2.K.Dharmalingam
- 3.M.Murugesan
- 4.N.Radha
- 5.S.Manoharan
- 6.S.Rajeswari
- 7.S.Meenatshi
- 8.A.Annal
- 9.K.Kannimery
- 10.A.Ganesh
- 11.P.Bagavathiammal
- 12.P.Irin Shanthi
- 13.M.Bhaskaran



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14.G.K.Sudharsan
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15.C.Krishnamoorthy

16.R.Ayyakannu

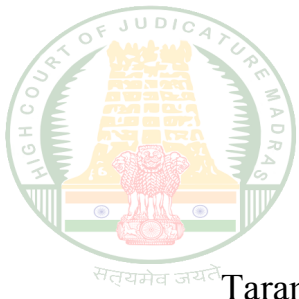
17.K.P.Velumani

18.P.Achuthan

... Petitioners

Vs.

1. Govt of Tamil Nadu,
Health and Family Welfare Department,
Rep.by its Secretary,
Fort St.George,
Chennai 600 009.
2. Principal Secretary,
Transport Department,
Government of Tamil Nadu,
Fort St.George,
Chennai 600 009.
3. Dean,
Government Erode Medical College and Hospital,
(formerly "IRT Perundurai Medical College"),
Perundurai,
Erode District - 638 053.
4. Institute of Road Transport,
Rep. by its Director,
Taramani,
Chennai 600 113.
- 5.The Governing Council,
Institute of Road Transport,



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Taramani,
Chennai 600 113.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the order 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 in so far 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 in so far 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 petitioners sick/medical leave salary for the respective number of days, which were accrued to their credit up to 31.08.1998 based on the rate of basic pay and dearness allowance paid to them as on the date of their retirement, together with interest at the rate of 4% per annum from the date of our retirement till it is actually paid to us, award costs.

For Petitioners : Ms.G.K.Dharshini

For Respondents : Mr.E.Sundaram
Government Advocate for R1 to R3

: Mr.C.Gauthamaraj for R4 & R5

ORDER



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The instant Writ Petition has been filed challenging the orders dated 09.09.2003 and 24.01.2005.

2. The learned counsel for the petitioners would submit that in similar set of facts, the Division Bench of this Court in W.A.No.718 and 720 of 2022, vide judgement dated 12.06.2024 has permitted the claim of sick leave with retrospective effect. For ready reference the relevant paragraphs, paragraphs 1 to 6, and the same read as follows:-

“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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3. *The statement made by the counsel for appellants has not been controverted by the private respondents and the respective petitioners. They all in union would submit that, no further orders are necessary in these appeals. It is made clear that at the time of retirement, the respondents/employees are entitled for encashment of sick leave from the date of their appointment till 01.09.1998.*

4. *The learned counsel for the respondents in the writ appeals and writ petitioners seeks for payment of interest @ 4% p.a., since there is delay in settling the amounts by the appellants. To that extent, this Court finds considerable force in the submission made by the learned counsel for the respondents/employees.*

5. *Accepting the contention made by the learned counsel for the respondents/writ petitioners, this Court directs the appellants department to pay interest @ 4% to all the respondents in the writ appeals and writ petitioners, if not already settled, for the amounts which have been settled belatedly, subject to their eligibility for encashment of sick leave, till the payment of the said amount to the 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.”*

Since the petitioners are also similarly placed persons are entitled for same relief.



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3. In view of the above, this Writ Petition is allowed in terms of the said judgement of the Division Bench of this Court in W.A.No.718 and 720 of 2022, vide judgement dated 12.06.2024. It is made clear that the fourth respondent is directed to pay the arrears, within a period of twelve weeks from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petitions are closed. No costs.

06.06.2025

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Index : Yes/No

Speaking order /Non Speaking Order

Neutral Citation : Yes/No

To

1. The Secretary,

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Health and Family Welfare Department,
Fort St.George,
Chennai 600 009.

2. Principal Secretary,
Transport Department,
Government of Tamil Nadu,
Fort St.George,
Chennai 600 009.
3. Dean,
Government Erode Medical College and Hospital,
(formerly "IRT Perundurai Medical College"),
Perundurai,
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C.KUMARAPPAN, J.

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