



W.P.No.26009 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2025

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.P.No.26009 of 2024

1. S.Gnanasekaran
2. L.Ilango
3. K.Mayilsamy
4. N.Palaniappan
5. N.Kanagasabapathi
6. Thangavel, S/o Ramasamy
7. V.V.Rajendran
8. V.Palanisamy
9. G.Balachandar
- 10.G.Gnanasekaran

.. Petitioners

v.

1. The Special Commissioner and
Secretary to Government
Department of Transport
Fort St.George, Chennai 600 009
2. The Governing Council
Institute of Road Transport
Taramani, Chennai 600 113



W.P.No.26009 of 2024

3. The Director
Institute of Road Transport
Taramani, Chennai 600 113

4. The Principal
Institute of Road Transport Technology
Erode 638 316

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent in respect of impugned proceedings No.2532/IRT/2002 dated 24.01.2005 and quash the same in so far as paragraph No.2 and 3 withdrawing the encashment of sick leave with retrospective effect from 01.09.1998 and deleting Sub Rule (f) of Rule 4 under Chapter 3 (Leave Rules) of the Service Rules of Institute of Road Transport and directing the respondents to pay arrears of encashment of sick leave in the credit of the petitioners accumulated till 24.01.2005.

For Petitioners :: Mr.R.Kannan

For Respondents :: Mr.T.Chandrasekaran
Special Government Pleader for R1
Mr.C.Gowthama Raj
Government Advocate for R2 to 4

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM,J.)

W.M.P.No.28418 of 2024 seeking to permit the petitioners to file a single writ petition stands ordered.



W.P.No.26009 of 2024

2. When the matter was taken up, the learned Special Government Pleader appearing on behalf of the first respondent fairly submitted that the issue raised in the present writ petition is squarely covered by the order of the Division Bench of this Court in W.A.Nos.718 and 720 of 2022 and W.P.Nos.6565 of 2023 etc., batch dated 12.06.2024. The learned counsel for the petitioners also agreed to the said contention.

3. By order dated 12.06.2024 in W.A.Nos.718 and 720 of 2022 and W.P.Nos.6565 of 2023 etc., batch, the Division Bench has disposed of the writ appeals and the writ petitions with the following observations:-

“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.



W.P.No.26009 of 2024

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.

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



WEB COPY



W.P.No.26009 of 2024

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.”

4. Since the petitioners in the present writ petition are also similarly placed, this writ petition stands disposed of in tune with the observations made by the Division Bench in paragraphs 3, 4 & 5 of the aforesaid order. Consequently, W.M.P.Nos.28419 & 28420 of 2024 are closed. No costs.

Index : yes
Neutral citation : yes/no

(S.M.S.,J.) (K.R.S.,J.)
12.02.2025

SS



W.P.No.26009 of 2024

To

WEB COPY

1. The Special Commissioner and
Secretary to Government
Department of Transport
Fort St.George, Chennai 600 009
2. The Governing Council
Institute of Road Transport
Taramani, Chennai 600 113
3. The Director
Institute of Road Transport
Taramani, Chennai 600 113
4. The Principal
Institute of Road Transport Technology
Erode 638 316



WEB COPY



W.P.No.26009 of 2024

S.M.SUBRAMANIAM,J.

AND

K.RAJASEKAR,J.

SS

W.P.No.26009 of 2024

12.02.2025