IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2025

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THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.22287 of 2025
and W.M.P.No.25080 of 2025

P.J.Jose Patris ... Petitioner

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,
Taramani,
Chennai-600 113.

3.The Governing Council,
Institute of Road Transport,
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 of the 2nd 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 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 Petitioner sick/medical leave salary for 51 days, which accrued to his credit upto 31.08.1998 based on the rate of basic pay and dearness allowance paid to him as on the date of his retirement, which was fixed and revised as per the 7th pay recommendation, together with interest at the rate of 4% per annum from the date of his retirement till it is actually paid to him.

For Petitioner	: Mr.Krishnasamy.R.
For R1	: Mr.N.Naveen Kumar Government Advocate
For R2 and R3	: Mr.C.Gauthamaraj Standing Counsel

ORDER

By consent of both the learned counsel for the parties, the Writ Petition is taken up for final disposal, at the admission stage itself.

2. The instant writ petition has been filed with a prayer for issuing a Certiorarified Mandamus, calling for the records pertaining to the order of the 2nd 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 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 Petitioner sick/medical leave salary for 51 days, which accrued to his credit upto 31.08.1998 based on the rate of basic pay and dearness allowance paid to him as on the date of his retirement, which was fixed and revised as per the 7th pay recommendation, together with interest at the rate of 4% per annum from the date of his retirement till it is actually paid to him.

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

4. The learned counsel for the petitioner would submit that the petitioner has sent a representation to the 2nd respondent on 10.04.2025 claiming sick leave encashment. In this connection, the learned counsel for the petitioner would rely upon the judgment of the Division Bench of this Court in W.A.Nos.718 and 720 of 2022, dated 12.06.2024. According to the petitioner, the ratio of the above judgment is applicable to the present set of facts.

5. There is no serious objection for the above submission by the learned Government Advocate appearing for the 1st respondent and learned Standing Counsel appearing for the respondents 2 and 3.

6. For ready reference, this Court deems it appropriate to extract the relevant portion of the above judgment in W.A.Nos.718 and 720 of 2022, dated 12.06.2024, the same reads 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.

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."

7. In the above judgment, it has been categorically held that the respondents-employees are entitled for encashment of sick leave from the date of their appointment and an interest of 4% per annum was also ordered on account of the delayed payment.

8. In view of the above, the Writ Petition is allowed in terms of the said judgment of the Division Bench of this Court in W.A.Nos.718 and 720 of 2022, vide judgment dated 12.06.2024. It is made clear that the respondents 2 and 3 are directed to pay the eligible arrears of sick/medical

leave salary along with interest at the rate of 4% per annum, within a period of six weeks from the date of receipt of copy of this order. No costs. Consequently, the connected writ miscellaneous petition is closed.

24.06.2025

Index : Yes/No
Speaking order
Neutral Citation : Yes/No
dm

To

1.The Principal Secretary,
Govt. 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,
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C.KUMARAPPAN, J.

dm

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