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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2025

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 5504 of 2024

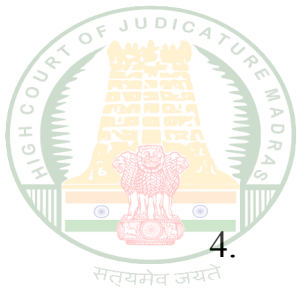
And

W.M.P.No. 6088 of 2024

1. Mr.L.Venkatesan
2. Mr.E.Subramanian
3. Mr.S.Anbalagan
4. Mr.S.P.Devarajan
5. Mr.M.Nagaraj ... Petitioners

..Vs..

1. The Special Commissioner and
Secretary to Government
Department of Transport
Fort St. George, Chennai – 600009.
2. The Governing Council
Institute of Road Transport
Taramani, Chennai – 600 113.
3. The Director
Institute of Road Transport
Taramani, Chennai – 600 113.



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4. The Principal
Institute of Road and Transport Technology
Erode.

5. The Principal
IRT Polytechnic College
Tirunelveli

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus calling for the records of the third respondent in respect of impugned proceedings No.2532/A1/IRT/2002, dated 24.01.2005 and quash the same in so far as paragraph No.2 and 3 withdrawing the encasement 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 encasement of sick leave in the credit of the petitioner accumulated till 24.01.2005.

For Petitioners :: Mr. R.Kannan

For 1st Respondent :: Mr. V.Nanmaran
Additional Government Pleader

For RR 2 & 3 :: Mr. C.Gauthamaraj
Standing Counsel

**ORDER**

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The Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking records of the third respondent relating to the proceedings dated 24.01.2005 and quash the same in so far as the withdrawal of encashment of sick leave with retrospective effect from 01.09.1998 is concerned and seeking to delete sub rule (f) of Rule 4 under Chapter 3 (Leave Rules) of the Service Rules of Institute of Road Transport. The petitioners claim that arrears of encasement of sick leave that had accumulated till 24.01.2005 should be paid.

2. In the affidavit filed in support of the Writ Petition, it had been contended that the petitioners had retired as Assistant, Superintendent, Office Assistant Special grade, Clerk Special Grade and Assistant respectively and are receiving pension much less than Rs.3,000/- per month. They had made several representations seeking eligibility of payment of arrears of 7th pay Commission recommendation and for revised salary, gratuity and earned leave surrender and encashment. However, by the impugned order, the same had been rejected necessitating filing of the Writ



Petition.

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3. Their representation had been rejected stating that the encashment of sick leave at the time of retirement had been withdrawn with retrospective effect from 01.09.1998. This issue had been examined by a Division Bench in W.A.Nos. 718 of 2022 etc batch [Governing Council and others Vs. K.V.Neelakantan and others]. The Division Bench while examining the said issue had held as follows:-

“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. ”

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4. The same direction enure to the petitioners herein.

5. A direction is given to the respondents to pay interest at 4% to all the writ petitioners for the amounts which had been settled belatedly subject to eligibility for encashment of sick leave till the payment of the said amount to each one of the petitioners. This exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

6. The Writ Petition stands allowed. Consequently, connected Miscellaneous Petition stands closed. No order as to costs.

09.04.2025

vsg

Index: Yes/No

Internet: Yes/No

To

1. The Special Commissioner and



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