



WEB COPY



IIN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:03.03.2025

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.35103 of 2024

and

W.M.P.Nos.38029 and 38031 of 2024

1.R.Sankaranarayanan,
111-D, Sarro Homes, 1st Floor,
Karikalan Street,
Annai Indira Nagar,
Velachery, Chennai 600 042.

2.V.Ramamoorthy,
F3, Ruby Mansion,
No.36, BharathaMatha Street,
East Tambaram, Chennai 600 059.

..Petitioners

/versus/

1.Govt. of Tamil Nadu,
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.



WEB COPY

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

.. Respondents

Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari Mandamus to call for the records pertaining to the order of the 2nd respondent in Proceedings No.2552/A1/2002-1, dated 09.09.2003 and proceedings 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 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(1) of the IRT Leave Rules respectively and consequently direct the respondents to pay us sick/medical leave salary accrued to our credit up to 31.08.1998 based on the rate of basic pay and dearness allowance paid to us as on the date of our 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 :Mr.G.K.Dharshini
For Respondents :Mr.P.Vijaya Devi, GA



WEB COPY

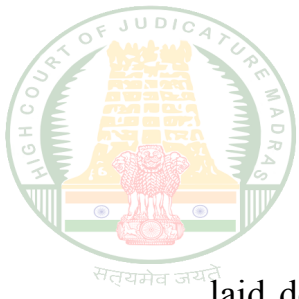
ORDER

The writ petitioner seeks payment of encashment of sick/medical leave, as the same has not been availed of by him during the service rendered by the writ petitioner.

2. It is contended that as there is delay on payment and that the 3rd respondent should pay the said encashment of sick/medical leave, together with interest.

3. Without entering into any further discussion, this Court directs examination of the service register of the petitioner by the 3rd respondent with regard to availing sick/medical leave and if the amounts are payable, the same should be paid by the 3rd respondent to the petitioner with interest at the rate of 4% p.a. from the date of retirement, till the date of actual disbursement.

4. In view of the above observation and also following the dictum



WEB COPY

laid down by the Division Bench of this Court in *W.A.No.718 of 2022 etc batch.*, dated 12.06.2024 [*The Governing Council, Institute of Road Transport, Taramani, Chennai 600 113 v. K.V.Neelakanan and others*], this Writ Petition is disposed of. The disbursement should be made within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

03.03.2025

Index:yes/no
Internet:yes/no
Speaking order/non speaking order
ari
To

1.The Principal Secretary, Govt. of Tamil Nadu,
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.



WEB COPY



C.V.KARTHIKEYAN, J.

ari

W.P.No.35103 of 2024
and
W.M.P.Nos.38029 and 38031 of 2024

03.03.2025