



WEB COPY



W.P.No.39459 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2025

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.39459 of 2024

K.Ganesh Kumar

...Petitioner

Vs

The Managing Director,
Tamil Nadu State Transport
Corporation (Coimbatore) Ltd.,
37, Mettupalayam Road,
Coimbatore – 641 043.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to pay the petitioner the amount payable towards encashment of 45 days of earned leave surrendered by the petitioner in the years before his retirement as admitted by the respondent either based on his monthly wages of the respective months of surrender of these earned leaves together with 18% interest per annum from the respective due dates or based on the monthly wages payable on the month of his retirement together with 18% interest from the date of his retirement within stipulated time as may be fixed by this Court.



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For Petitioner : Mr.M.Karthik
For Respondent : Mr.C.Gauthamaraj
Standing Counsel

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2. The petitioner has filed this writ petition to issue a Writ of Mandamus directing the respondent to pay the petitioner the amount payable towards encashment of 45 days of earned leave surrendered by the petitioner in the years before his retirement, as admitted by the respondent, either based on his monthly wages of the respective months of surrender of these earned leaves, together with 18% interest per annum from the respective due dates, or based on the monthly wages payable on the month of his retirement, together with 18% interest from the date of his retirement, within a stipulated time as may be fixed by this Court.

3. The case of the petitioner is that he has retired from the Respondent on 30.04.2017. The grievance of the petitioner is that he



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has surrendered 45 days earned leave and made a request with the respondent to disburse the salary for the earned leave, but the respondent has not turned up. Therefore, the petitioner gave a representation to the respondent on 28.09.2024 with regard to the said issue. However, no action has been taken by the respondent till date. Hence this petition.

4.The learned counsel for the petitioner submitted that it would be suffice if this Court issues a direction to the respondent to consider the petitioner's representation and pass orders.

5. The learned standing counsel appearing for the respondent submitted that the representation of the petitioner will be considered and will pay the eligible amount with 6% interest P.A as per the earlier orders of this Court.

6. Considering the facts of the case, this Court on submission made by either side counsel directs the respondent to consider the representation of the petitioner and pass appropriate orders and pay the eligible amount to the petitioner within a period of twelve weeks from



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the date of receipt of a copy of this Order. It is made clear that the amount should carry 6% interest per annum from the date on which the amount became due and payable till the date of disbursement, if the amount is not paid within the time frame fixed by this Court, the same will carry interest at the rate of 12% per annum from the date on which the amount became due and payable till the date of disbursement.

7. With the above directions, this Writ Petition stands disposed of.

No order as to costs.

03.01.2025

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Index: Yes/No

Speaking order/Non-speaking order

kv

To

The Managing Director,
Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
37, Mettupalayam Road,
Coimbatore – 641 043.



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V.BHAVANI SUBBAROYAN,J.

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