

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 16.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE **T.RAJA****W.P. (MD)No.14498 of 2017**

D.Soundararajan

... Petitioner

Vs.

1. The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
represented by its Managing Director,
Kumbakonam.

2. The General Manager,
The Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Pudukottai Region,
Pudukottai.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to settle the petitioner's surrender leave salary for 84.5 days of Rs.1,37,983/- from 2009 to 2016 together with interest at the rate of 18% per annum payable from the date of retirement to till the date of actual payment.

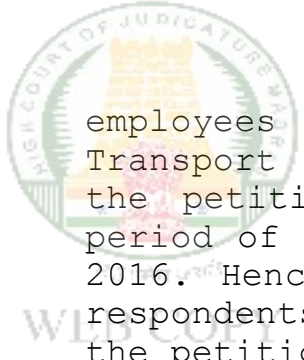
For Petitioner : Mr.A.Rahul

For Respondents : Mr.D.Sivaraman
Standing counsel for TNSTC

ORDER

The petitioner filed the writ petition to direct the respondents to settle the petitioner's surrender leave salary of Rs.1,37,983/- for 84.5 days from 2009 to 2016 together with interest at the rate of 18% per annum payable from the date of retirement to till the date of actual payment.

2. The petitioner is a retired Traffic Inspector from the State Transport Corporation (Kumbakonam) Limited with effect from 31.05.2016. The petitioner's grievance is that the surrender leave salary for 7 days from 2009 to 2016 has not been disbursed by the respondents to the petitioner and to all the then existing



employees of Pudukottai Region citing the reason that the State Transport Corporation is facing financial crisis. In the result, the petitioner was not permitted to encash earned leave for a period of 15 days per year consecutively for 7 years from 2009 to 2016. Hence, he has given a representation on 17.07.2017 to the respondents. But till date no response is forthcoming. Therefore, the petitioner has come forward to file this writ petition.

3. This Court, in a similar circumstances, citing the reason that financial crisis faced by the Transport Corporation cannot be a ground to refuse the benefit of encashing the earned leave for a period of 15 days per year, directed the Transport Corporation to disburse the earned leave salary within a specified time limit. Therefore, a similar direction may be issued, he pleaded.

4. The learned Standing counsel appearing for the respondents sought for four weeks time to consider the case of the petitioner and pass appropriate orders.

5. Placing on record the request for grant of time, the General Manager, Tamil Nadu State Transport Corporation, Kumbakonam Limited is hereby directed to consider the petitioner's representation for grant of earned leave salary and permit him to encash the benefit of earned leave for a period of 15 days per year from 2009 to 2016, if he is not permitted to encash the benefit of earned leave for the above said year, within a period of four weeks from the date of receipt of a copy of this order.

6. The Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

+ 1 cc TO Mr.A.Rahul , Advocate in SR No. 72724
+ 1 cc TO Mr.D.Sivaraman , Advocate in SR No. 72772

akv
AE/SKN RSK/SAR2/05.10.2017/2P/3C

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