



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.09.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
W.P. (MD) No.17340 of 2017

WEB COPY

S.Kousalya ... Petitioner
Vs.

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

2.The General Manager ,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Nagapattinam Region,
Nagapattinam.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to settle the petitioner's surrender leave salary for 130 days of Rs.1,44,990/- from 2009 to 2017 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

O R D E R

By the consent of both sides, the writ petition itself is taken for final disposal.

2.The present writ petition has been filed seeking a Writ of Mandamus, directing the respondents to settle the petitioner's surrender leave salary for 130 days of Rs.1,44,990/- from 2009 to 2017 together with interest at the rate of 18% per annum payable from the date of retirement to till the date of actual payment.

3.The petitioner is a retired Assistant from the respondent Corporation with effect from 30.04.2017. The grievance of the petitioner appears to be that his Surrender Leave Salary for 9 years from 2009 to 2017 has not been disbursed by the respondents to the petitioner and all the then existing employees of



Nagapattinam Region, citing the reason that the Respondent Corporation is facing financial crisis. As a result, the petitioner was not permitted to encash earned leave for a period of 15 days per year consecutively for 9 years from 2009 to 2017. Hence, the petitioner has given a representation on 30.06.2017, to the respondents. Since, the said representation is pending consideration, the petitioner has come to this Court with the present writ petition.

4.This Court, in 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 and directed the Transport Corporation to disburse the earned leave salary within a specified time limit. Therefore, the learned counsel for the petitioner pleaded for a similar direction.

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

6.Placing on record the request for grant of time, the Managing Director, Tamil Nadu State Transport Corporation, Kumbakonam Limited / the first respondent herein is hereby directed to consider the petitioner's representation dated 30.06.2017, 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 2017, 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

To

+1cc to M/S.A.RAHUL, Advocate SR.No.79260

+1cc to M/S.D.SIVARAMAN, Advocate SR.No.79185

mr/mrn

MAS/JC/SAR1:23.10.2017:2P-3C

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