



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
W.P.(MD)No.17905 of 2017

WEB COPY

I.Maruthupandian : 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.,
Karaikudi Region, Karaikudi.

: 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 36 days of Rs.24,765/- for 3 years from 2009 to 2012 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 petitioner is the retired Selection Grade Senior Assistant and retired from service with effect from 31.03.2012 from the first respondent Corporation. As the respondents have not settled his terminal benefits immediately from the date of the petitioner's retirement, the petitioner has given a representation to the respondents on 17.11.2016. The learned counsel for the petitioner also placed reliance on the order passed by this Court in **W.P.(MD)No.17789 of 2016** dated **06.10.2016** in the case of **R.Arumugam Vs. The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd., and other**, which reads as follows:

"5.The financial crisis cannot be the ground to deprive the benefit of earned leave surrender salary to the petitioner, especially when the claim of earned leave surrender salary for 15 days per year or 30 days



once in two years has been admitted in the settlement effected under Section 12(3) of the Industrial Disputes Act, 1947.

6. Therefore, the respondents are directed to consider the claim of the petitioner for payment of the earned leave surrender salary in respect of the years 2010-2014 and pay the eligible amount to the petitioner as per the commitment made by the respondent under Section 12(3) settlement within a period of eight weeks from the date of receipt of copy of this order."

3. The petitioner is before this Court to issue a similar direction to the respondents to settle the surrender leave salary for 36 days which are accumulated for 3 years from 2009-2012 with permissible interest.

4. Mr. D. Sivaraman, learned Standing Counsel for TNSTC, who takes notice for the respondents sought sufficient time to consider the petitioner's representation.

5. In view of the above, the respondents are directed to consider the petitioner's representation dated 17.11.2016, and pass orders on merits, within a period of six weeks from the date of receipt of copy of this order.

6. The writ petition is disposed of with the above direction. No Costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

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.,
Karaikudi Region, Karaikudi.

+1cc to M/S.D.SIVARAMAN, Advocate SR.No.80329

+1cc to M/S.A.RAHUL, Advocate SR.No.80122

MRN/MR

MAS/MR-KKR/SAR4:03.11.2017:2P-5C