



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P(MD)No.2417 of 2017

N.Sakthivel

... Petitioner

vs.

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

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

... Respondents

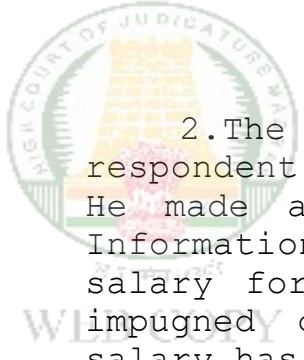
Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the 2nd respondent in Ref:ThaAaPoKa/Kumba/Nir4/001/2016 dated 07.01.2017, quash the same and consequently directing the respondents to settle the petitioner's earned leave surrender salary of Rs.1,32,426/- for 90 days from 2010 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 R1 & R2 : Mr.D.Sivaraman

ORDER

The prayer in this writ petition is for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the 2nd respondent in Ref:ThaAaPoKa/Kumba/Nir4/001/2016 dated 07.01.2017, quash the same and consequently direct the respondents to settle the petitioner's earned leave surrender salary of Rs.1,32,426/- for 90 days from 2010 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 was employed as Traffic Manager in the 1st respondent corporation. He retired from service on 31.01.2016. He made a representation dated 29.11.2016 under the Right to Information Act, seeking information as to why surrender leave salary for 6 years was not disbursed. The 2nd respondent vide impugned order dated 07.01.2017 replied that surrender leave salary has not been disbursed due to financial crisis.

3.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.

4.Therefore, the impugned order dated 02.12.2016 is set aside and the respondents are directed to consider the claim of the petitioner for payment of the earned leave surrender salary in respect of the years 2010-2016 and pay the eligible amount to the petitioner as per the commitment made by the respondents under Section 12(3) settlement within a period of eight weeks from the date of receipt of a copy of this order.

With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To
1)The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Kumbakonam.

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

+1 cc to MR.D.SIVARAMAN, Advocate SR.No.7898
+1 cc to MR.A.RAHUL, Advocate SR.No.7815