



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.03.2017

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) .No.4530 of 2017

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R.Dhanapal, S/o.M.Ramasamy,
Special Grade Assistant(Retired),
Staff No.89AD2020/479,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd., Trichy Region.

.. Petitioner

Vs.

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

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

.. Respondents

PRAYER: Writ petition 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 of Rs.62,580/- for 60 days from 2010-2014 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

This Writ petition has been filed by the petitioner for issuance of a Writ of Mandamus, directing the respondents to settle the petitioner's Surrender Leave Salary of Rs.62,580/- for 60 days from 2010-2014 together with interest at the rate of 18% per annum payable from the date of retirement to till the date of actual payment.

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel for TNSTC appearing for the respondents.

3. Mr.D.Sivaraman, learned Standing Counsel, takes notice for the respondents. By consent, the Writ petition itself is taken up for final disposal.

4. The grievance of the petitioner is that he is entitled to Surrender Earned Leave and en-cash the same and that the petitioner was not given benefits despite his representations.



This Court in similar case, in **W.P. (MD) No.17903 of 2016, dated 06.10.2016**, has directed the respondents to pass the following order:-

" The financial crisis cannot be the ground to deprive the benefit of surrender leave 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.

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 2010-2011, 2011-2012 and 2012-2013 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 a copy of this order."

5. The learned Standing Counsel for the respondents on instructions concede that similar order can be passed in this Writ petition.

6. Hence, the Writ petition is allowed and the respondents are directed to consider the claim of the petitioner for surrender of Earned Leave from 2010 to 2014 and pay the eligible amount to the petitioner on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS-II)

/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,
Trichy Region, Trichy .

+1cc to M/s.A.RAHUL Advocate in SR. No.15566

+1cc to M/s.D.SIVARAMAN Advocate in SR. No.15908

PMU

JS/SKN/RSK/28.03.2017/2P-5C