

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 03.04.2017****CORAM****THE HONOURABLE MR.JUSTICE S.S.SUNDAR****W.P. (MD) .No.5648 of 2017**

N.Maruthan,

.. 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.,
Pudukottai Region, Pudukottai.

.. 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.1,09,860/- for 72 days from 2011-2015 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 T.N.S.T.C.,

O R D E R

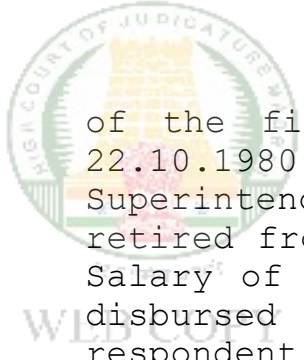
This Writ petition has been filed by the petitioner for issuance of a Writ of Mandamus, directing the respondents to settle the petitioner's Surrender Leave Salary of Rs.1,09,860/- for 72 days from 2011-2015 together with interest at the rate of 18% per annum payable from the date of retirement to till the date of actual payment.

2. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel for T.N.S.T.C., appearing for the respondents.

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

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4. The case of the petitioner is that he joined in the service



of the first respondent Corporation as Clerk with effect from 22.10.1980 and after periodical promotion, he was promoted as Superintendent and then as Selection Grade Superintendent and retired from service on 30.04.2016. The petitioner's Earned Leave Salary of approximately Rs.1,09,860/- (for 72 days) has not been disbursed to him from 2011 to 2015 on the ground that the first respondent Corporation is facing financial crisis and therefore, the petitioner is before this Court, seeking relief stated supra.

5. The learned counsel for the petitioner relied upon a Judgment of this Court, in **W.P. (MD) No.17789 of 2016, dated 06.10.2016**. In that case, the learned Single Judge of this Court has allowed the Writ petition and directed the respondents to consider the claim of the petitioner for payment of the Earned Leave Salary and to pay the eligible amount to the petitioner as per the terms of settlement under Section 12(3) of the Industrial Disputes Act within a period of eight weeks.

6. In this case, the petitioner has made a representation on 27.02.2017. Hence, this Court is inclined to issue the following order:-

"The respondents are directed to consider the representation of the petitioner, dated 27.02.2017 regarding the payment of Earned Leave Surrender Salary from 2011 to 2015 and to pay the eligible amount to the petitioner, in the light of the terms of settlement dated 13.04.2015 entered under Section 12(3) of Industrial Disputes Act, 1947, within a period of eight weeks from the date of receipt of a copy of this order."

7. Accordingly, the Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (PROTOCOL)

/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.,
Pudukottai Region, Pudukottai.

+1cc to M/s.D.SIVARAMAN Advocate in SR. No.18826

+1cc to M/s.A.RAHUL Advocate in SR. No.18982

PMU

JS/SV/MMS/17_04_2017/2P-5C

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ORDER MADE IN

W.P. (MD) .No.5648 of 2017

03.04.2017