



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.04.2017

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THE HONOURABLE **MR. JUSTICE S.S.SUNDAR**

W.P. (MD) .No.6282 of 2017

S.Vedalingam

... 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.,
Kumbakonam Region, Kumbakonam.

... 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.44,344/- for 49 days from 2009-2012 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

This Writ Petition has been filed direct the respondents to settle the petitioner's Surrender leave salary of Rs.44,344/- for 49 days from 2009-2012 together with interest at the rate of 18% per annum payable from the date of retirement to till the date of actual payment.

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

3.This Court, in similar cases, has issued an order as follows:

<https://hcservices.ecourts.gov.in/hcservices/> 4. *The financial crisis cannot be the ground to deprive the benefit of earned leave surrender*



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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 a copy of this order."

4. The learned Counsel for the respondents has no objection for passing similar order in this Writ petition. Hence the respondents are directed to consider the petitioner's claim on payments of earn leave salary, surrender salary for 49 days from 2009-2012 and pay the eligible amount to the petitioner in terms of the settlement under Section 12(3) of Industrial Disputes Act, 1947, within the period of eight weeks from the date of receipt of a copy of this order.

5. With the above direction this Writ Petition is disposed of. However there is no order as to costs.

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

To

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

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

+ 1 CC TO Mr.D.SIVARAMAN, ADVOCATE IN SR No. 51061

+ 1 CC TO Mr.A.RAHUL, ADVOCATE IN SR No. 51364

TA/CP

TE/MMS : 05/05/2017 : 2P/5C