



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.24489 of 2019

WEB COPY

AL.S.Periakaruppan

... Petitioner

vs.

1.The Managing Director,
Tamilnadu State Transport Corporation (KMB) Ltd.,
New Railway Station Road,
Kumbakonam-612 001.

2.The Financial Adviser,
Tamilnadu State Transport Corporation (KMB) Ltd.,
New Railway Station Road,
Kumbakonam-612 001.

3.The General Manager,
Tamilnadu State Transport Corporation (KMB) Ltd.,
Pudukottai Region,
Pillai Thanir Pandhal,
Thirumaiyam Road,
Pudukottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to settle the petitioner's surrender leave salary for 103.5 days in respect of the years 2011-2012, 2012-2013, 2013-2014, 2014-2015, 2015-2016, 2016-2017 and 2017-2018 together with interest at the rate of 18% per annum payable from the date for retirement till the date of actual payment.

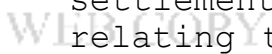
For Petitioner : Mr.K.Gokul

For Respondents : Mr.P.Balasubramanian

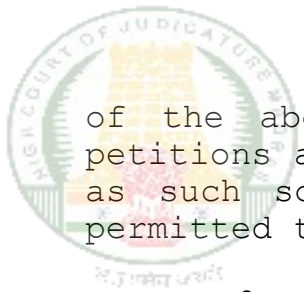
ORDER

This writ petition is filed for a direction to the respondents to settle the petitioner's surrender leave salary for 103.5 days in respect of the years 2011-2012, 2012-2013, 2013-2014, 2014-2015, 2015-2016, 2016-2017 and 2017-2018 together with interest at the rate of 18% per annum payable from the date for retirement till the date of actual payment.

2.Mr.P.Balasubramanian, learned counsel takes notice for the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.



7. From the materials on record, it is seen that as per the settlement entered into between the respondents Management and the Union under Section 12(3) of the Industrial Disputes Act, the petitioner is entitled to 30 days of earned leave in a year. He is entitled to either encash 15 days leave every year or accumulate 30 days leave in a year and subsequently, encash the same. This position is not disputed by the respondents. On number of occasions, when the respondents did not pay the earned leave salary to its employees, they approached this Court by filing writ petitions. This Court considering the issue involved, directed the respondents therein to pay the earned leave salary to its employees. www.benchservices.gov.in/bcservices/ affirmed by the Division Bench of this Court. In view



of the above facts and order of this Court in number of writ petitions and writ appeals, the petitioner is entitled to the relief as such sought for in the writ petition. Earlier, this Court permitted the respondents to pay the leave salary in instalments.

8. Considering the submission of the learned counsel appearing for the respondents, the respondents management are directed to settle the balance eligible earned leave salary to the petitioner in twelve (12) equal monthly instalments to be paid on or before 10th day of every English Calendar month. The first instalment is to be paid on or before 10th day of February, 2020.

9. In the result, the writ petition is allowed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

am

+1 CC to Mr.K.GOKUL, Advocate (SR-100739[F] dated 22/11/2019)
+1 CC to Mr.P. BALASUBRAMANIAN, Advocate (SR-100178[F] dated 21/11/2019)

W.P (MD) No.24489 of 2019
20.11.2019

MK (09.12.2019) 3P 3C