



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2019

CORAM :

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.27190 of 2019

P.Alagan,
S/o.Periyasamy

... Petitioner

Vs.

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

2.The General Manager,
Tamil Nadu State Transport Corporation,
(KMB) Limited,
Pudukkottai Region,
Pudukkottai.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to settle the petitioner's surrender leave salary for 71 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 to till the date of actual payment.

For petitioner : Mr.K.Gokul

For respondents : Mr.P.Balasubramanian

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 for 71 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 of retirement to till the date of actual payment.

2.Mr.P.Balasubramanian, learned standing counsel, took notice for the respondents. By consent, the writ petition itself is taken up for final disposal.



3.The learned counsel for the petitioner submitted that he was appointed as Conductor in the respondents / Transport Corporation on 01.06.1987 and he retired from service as Checking Inspector on 31.10.2018, on attaining the age of superannuation. The grievance of the petitioner is that his Surrender Leave Salary from 2001 to 2018 has not been disbursed by the respondent Corporation on the ground that the Corporation is facing financial crisis. In this regard, the petitioner has sent a representation to the respondents on 06.12.2019. As the same was not considered by the respondents till date, the petitioner has come up with this writ petition for the aforesaid prayer. He would further submit that when the Transport Corporation denied the similar claim, an employee challenged the same by way of a writ petition in W.P.(MD).No.212 of 2016 and this Court, by order dated 28.01.2016, has set aside the order denying the payment of Surrender Leave Salary and directed the Transport Corporation to pay the same. Aggrieved by that order, the Transport Corporation has filed an appeal in W.A.(MD).No.210 of 2019, but the same was dismissed by a Division Bench of this Court. Thus, he prayed to allow this writ petition.

4. Heard the learned counsel for the respondents on the above submission made by the learned counsel for the petitioner.

5. In this case, at the time of retirement, the petitioner was given encashment for Surrender Leave Salary for 240 days and the petitioner is having balance 71 days in his EL credit. As rightly stated by the petitioner, if the Surrender Leave Salary has been disbursed by the Transport Corporation for the period from 2011 to 2018, the petitioner would have encashed Surrender Leave Salary for those 71 days also.

6. The issue involved in this writ petition has already been settled in the case of D.Soundararajan Vs. The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd., decided on 02.04.2018 in W.P.(MD).No.2449 of 2018, which was confirmed in W.A.(MD).No.210 of 2019, vide order dated 04.09.2019; and in the case of C.Parameswaran Vs. The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd, Kumbakonam, decided on 07.09.2018 in W.P.(MD).No.18191 of 2018, which was confirmed in W.A.(MD).No,793 of 2019, vide order dated 24.09.2019.

7. Following the above decisions, the respondents are directed to consider the claim of the petitioner for payment of Earned Leave Surrender Salary for 71 days in respect of the years 2011 to 2018 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.



8. This Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (crl side)

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/ /2020

Sub Assistant Registrar(CS)

gcg

To

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

2.The General Manager,
Tamil Nadu State Transport Corporation,
(KMB) Limited,
Pudukkottai Region,
Pudukkottai.

+1 CC to Mr.P.BALASUBRAMANIAN, Advocate (SR-106412[F] dated 20/12/2019)

+1 CC to Mr.K.GOKUL, Advocate (SR-106303[F] dated 20/12/2019)

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