



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.07.2020

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THE HONOURABLE MR.JUSTICE **R.SURESH KUMAR**

W.P. (MD) .No.7325 of 2020

S.Sivam

.. Petitioner

Vs.

1.The Management of Tamil Nadu
State Transport Corporation,
(Kumbakonam) Ltd.,
Represented by its Managing Director,
Kumbakonam.

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

.. Respondents

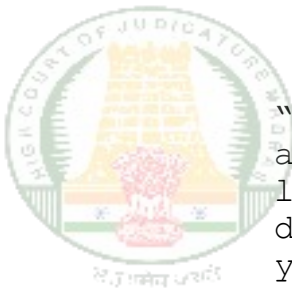
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to settle the petitioner's surrender leave salary of Rs.1,50,639/- for 90 days from 2011 to 2016 together with interest at the rate of 18% per annum payable from the date of retirement to till the date of actual payment.

For Petitioner	: Mr. A.Rahul
For Respondents	: Mr. P.Balasubramanian, Standing Counsel

O R D E R

The Prayer sought for in this Writ Petition is to issue a Writ of Mandamus directing the respondents to settle the petitioner's surrender leave salary of Rs.1,50,639/- for 90 days from 2011 to 2016 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 Mr.A.Rahul, learned counsel appearing for the petitioner, who would submit that the petitioner is a retired employee of Respondent Transport Corporation and he would be entitled to surrender leave salary. He would further submit that having a number of settled decisions made by this Court in similar cases and with regard to the present case in hand, the learned Counsel pointed out that in WP.(MD)No.2449 of 2018 dated 02.04.2018, a similar issue was considered and the following order was passed :



"16. In the result, the writ petition is allowed and the petitioner shall be entitled to claim the leave salary surrender encashment benefit depending upon his eligibility for the relevant years and since the petitioner has already made such a request on 24.03.2018, the same shall be accepted and the amount equivalent to surrender of earned leave shall be disbursed to the petitioner within a period of eight weeks from the date of receipt of a copy of this order. No costs."

3.The learned Counsel appearing for the petitioner would also submit that the above said order was appealed before the Division Bench in W.A.No.210 of 2019, dated 04.09.2019, wherein, the same was confirmed. Therefore, the learned Counsel for the petitioner would further submit that since the issue has become final, the present issue of the petitioner herein is also covered by the decision of this Court, as confirmed by the Division Bench of this Court as stated supra.

4.Heard Mr.P.Balasubramanian, learned Standing Counsel appearing for the respondent, who would submit that there is a huge financial crisis due to Covid 19 pandemic and the respondent Corporation is struggling like anything and the public transport is also not being run. When that being the position, neither strict time frame can be prescribed against the respondent employer for getting surrender leave salary to the petitioner nor to encourage the same. Therefore, taking into account the said situation, suitable orders may be passed.

5.I have considered the said submissions made by both sides.

6. In view of the order passed by this Court in W.P.(MD) No.2449 of 2019, dated 02.04.2018, as the same having been confirmed in W.A(MD)No.210 of 2019, dated 04.09.2019, the issue raised in this writ petition is also covered. Therefore, this Court is inclined to pass the following directions :

"1.the petitioner shall be entitled to claim the leave salary surrender encashment benefit depending upon his eligibility for the relevant years and since the petitioner has already made such a request on 18.11.2019, the same shall be accepted and the amount equivalent to surrender of earned leave shall be disbursed to the petitioner;

2. the time frame fixed to do the needful as indicated above shall be four months from the date of receipt of a copy of this order.



7. With this direction, this writ petition is disposed of.
No costs.

Sd/-

Assistant Registrar (AD-II)

WEB COPY

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To

- 1.The Management of Tamil Nadu
State Transport Corporation,
(Kumbakonam) Ltd.,
Represented by its Managing Director,
Kumbakonam.
- 2.The General Manager,
Tamil Nadu State Transport Corporation,
(Kumbakonam) Ltd.,
Kumbakonam Region,
Kumbakonam.

ORDER MADE IN
W.P. (MD) .No.7325 of 2020
06.07.2020

SMA/14/07/2020/3P/3C