



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2020

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WEB COPY

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.7847 of 2020

R.Rajendran

...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 Constitution of India, to issue a Writ of Mandamus, directing the respondents to settle the petitioner's surrender leave salary of Rs.1,20,070/- for 75 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

ORDER

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the respondents to settle the petitioner's surrender leave salary of Rs.1,20,070/- for 75 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 and Mr.P.Balasubramanian, learned Standing Counsel appearing for the respondents.

<https://hcservices.ecourts.gov.in/hcservices/>



3. With the consent of both sides, this writ petition is disposed of at the admission stage itself.

4. The petitioner was working as a Selection Grade Superintendent at the respondents Corporation and on superannuation, he retired from service on 31.05.2016. Though on 31.05.2016 the petitioner has retired from service and he is entitled for the encashment of surrender leave salary to the extent of Rs.1,20,070/-, the said amount has not been disbursed, therefore, the petitioner having approached the respondents by way of representation, dated 29.11.2019 and the same since has not been considered so far, he has filed the present writ petition for the aforesaid prayer.

5. Mr.P.Balasubramanian, learned Standing Counsel appearing for the respondents fairly submitted that though the petitioner is entitled to have the surrender leave salary, a number of orders similar in nature has been passed by this Court, he expressed the financial difficulties and crisis faced by the respondents due to COVID-19 situation. Therefore, if at all the petitioner is entitled to get back the surrender leave salary, the same would be considered and paid after the normalcy is restored.

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

7. In a similar case in W.P(MD)No.7325 of 2020 I had an occasion to consider the similar issue and passed the order directing the respondents transport corporation therein, to disburse the surrender leave salary of the petitioner therein within four months in view of the COVID-19 situation, I think, the said arrangements can also be adopted in the present case since the petitioner also is in similar issue.

8. In view of the same, there shall be a direction to the respondents to allow the surrender leave salary payable to the petitioner and such amount after being calculated, shall be paid to the petitioner either immediately after the restoration of the normalcy of COVID-19 situation or within four months period from the date of receipt of a copy of this order, whichever is later.

9. With this directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

// 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. 7847 of 2020
Dated: **22.07.2020**

SMA/30/07/2020/3P/3C