



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.07.2020**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.7922 of 2020

WEB COPY

A.Vethaiyan

... Petitioner

-Vs-

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

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

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents to settle the petitioner's surrender leave salary of Rs.38,310/- for 26 days from 2011 to 2018 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

Prayer sought for herein is for a Writ of Mandamus to direct the respondents to settle the petitioner's surrender leave salary of Rs.38,310/- for 26 days from 2011 to 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.Heard Mr.A.Rahul, learned counsel appearing for the petitioner and Mr.P.Balasubramanian, learned Standing Counsel appearing for the respondents.

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 Special Grade Driver at the respondents Corporation and on superannuation, he retired from service on 31.05.2018. Though on 31.05.2018 the petitioner has retired from service and he is entitled for the encashment of surrender leave salary to the extent of Rs.38,310/-, the said amount has not been disbursed, therefore, the petitioner having approached the respondents by way of representation, dated 13.02.2020 and the same since has not been considered sofar, 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, and 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 within four months from the restoration of normalcy after COVID-19 situation. Within four months entire amounts shall be paid in four monthly installments consecutively, without fail, otherwise that amount shall carry interest.

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

Sd/-

Assistant Registrar (Crl.Side)

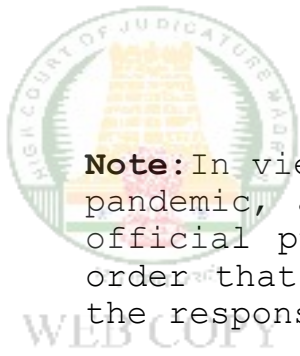
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Sub Assistant Registrar(CS)

rmk

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

W.P. (MD) No. 7922 of 2020
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