



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.7923 of 2020

WEB COPY

V.Kumaresan

... Petitioner

-Vs-

1.Tamil Nadu State Transport Corporation Ltd.,
Rep., by its Managing Director,
Madurai Division, Bye Pass Road,
Madurai 625 016.

2.The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Dindigul Region, Chettinayakanpatti Post,
Dindigul-624 004.

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents to pay the service surrender leave salary amount of Rs.1,26,614/- payable to the petitioner for the period from 2010 to 2017 together with 18% interest from the date of his retirement i.e., 30.04.2018 to till the date of payment and all other attendant benefits to him within the stipulated period.

For Petitioner	:	Mr.A.Rahul
For Respondents	:	Mr.J.Senthilkumaraiah Standing Counsel

ORDER

Prayer sought for herein is for a Writ of Mandamus directing the respondents to pay the service surrender leave salary amount of Rs.1,26,614/- payable to the petitioner for the period from 2010 to 2017 together with 18% interest from the date of his retirement i.e., 30.04.2018 to till the date of payment.

2.Heard Mr.A.Rahul, learned counsel appearing for the petitioner and Mr.J.Senthilkumaraiah, 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 Selection Grade Superintendent at the respondents Corporation and on superannuation,



he retired from service on 30.04.2018. Though on 30.04.2018 the petitioner has retired from service and he is entitled for the encashment of surrender leave salary to the extent of Rs.1,26,614/-, the said amount has not been disbursed, therefore, the petitioner having approached the respondents by way of representation, dated 16.03.2020 and the same since has not been considered sofar, he has filed the present writ petition for the aforesaid prayer.

5. Mr.J.Senthilkumaraiah, 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/-

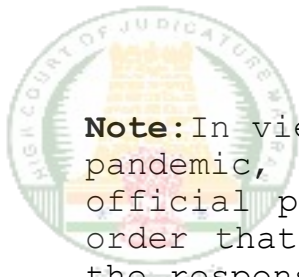
Assistant Registrar (Records)

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Sub Assistant Registrar(CS)

Rmk



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.

WEB COPY

To

1.The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Madurai Division, Bye Pass Road,
Madurai 625 016.

2.The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Dindigul Region, Chettinayakkanpatti Post,
Dindigul-624 004.

+1 CC to M/s.A.K.THANGAVELU, Advocate (SR-13221[F]
dated 24/07/2020)

W.P.(MD)No.7923 of 2020
23.07.2020

AP(24/08/2020) 3P 4C