



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

WEB COPY

W.P. (MD)No.8688 of 2020

R.Eswaran

... Petitioner

Vs.

1. The Managing Director,
Tamilnadu State Transport Corporation
(Kumbakonam) Ltd.,
New Railway Station Road,
Kumbakonam - 612 001.

2. The Finance Advisor and Chief Accounts Officer,
Tamilnadu State Transport Corporation
(Kumbakonam) Ltd.,
New Railway Station Road,
Kumbakonam - 612 001.

3. The General Manager,
Tamilnadu State Transport Corporation
(Kumbakonam) Ltd.,
Karaikudi Region,
Mardhupathi, Managiri Post,
Karaikudi, Sivagangai District.

... Respondents

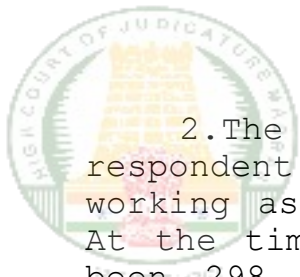
PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to settle the petitioner's surrender leave salary for 58 days in respect of the years 2011-2012, 2012-2013, 2013-2014, 2014-2015, 2015-2016 and 2016-2017 together with interest at the rate of 18% per annum payable from the date of retirement to till the date of actual payment.

For Petitioner
For Respondents

:Mr.K.Gokul
: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 for 58 days in respect of the years 2011-2012, 2012-2013, 2013-2014, 2014-2015, 2015-2016 and 2016-2017 together with interest at the rate of 18% per annum payable from the date of retirement to till the date of actual payment.



2.The petitioner joined as an Assistant on 01.04.1986 at the respondent Corporation and after having been promoted, he was working as Technician and retired on 31.05.2017 on superannuation. At the time of retirement, in the petitioner's account, there had been 298 days of Earned leave, which could be surrendered and encashed. However, when the same was surrendered, only 240 days have been accepted and that was permitted to encash. With regard to the remaining 58 days, due to financial position of the respondent Corporation, that was not given at that time. Therefore, in order to get the encashment for the remaining 58 days of earned leave salary, the petitioner has given representation to the respondent on 13.03.2020 and since the said representation has not been considered, the petitioner has approached this Court with the aforesaid prayer.

3.Heard the learned Standing Counsel appearing for the Transport Corporation, who would submit that, whether the petitioner would be entitled to encash 58 days remaining earned leave salary has to be considered by the respondents and after considering the eligibility of the petitioner and if the petitioner is really eligible to get encashment of 58 days remaining earned leave salary, that would be calculated and be paid to the petitioner in four instalments after restoration of normalcy from COVID 19 situation.

4.Considering the said submissions made by the learned counsel for both sides and by taking into account the factual matrix of this case, this Court is inclined to issue the following direction:

"the respondent is hereby directed to consider the representation of the petitioner dated 13.03.2020 and decide the eligibility of the petitioner as to whether he would be entitled to encash the 58 days remaining earned leave salary and accordingly, calculate the same and disburse such amount, for which the petitioner is entitled to in four instalments, after the restoration of normalcy from COVID19 situation."

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

Sd/-

Assistant Registrar (CS-II)

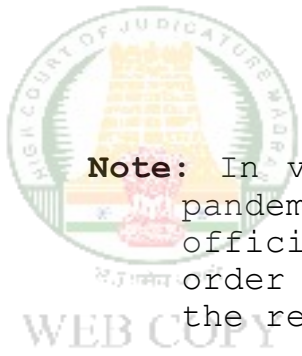
// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Arul

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



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,
Tamilnadu State Transport Corporation
(Kumbakonam) Ltd.,
New Railway Station Road,
Kumbakonam - 612 001.
- 2.The Finance Advisor and Chief Accounts Officer,
Tamilnadu State Transport Corporation
(Kumbakonam) Ltd.,
New Railway Station Road,
Kumbakonam - 612 001.
- 3.The General Manager,
Tamilnadu State Transport Corporation
(Kumbakonam) Ltd.,
Karaikudi Region,
Mardhupathi, Managiri Post,
Karaikudi, Sivagangai District.

+1 CC to Mr.K.GOKUL, Advocate SR-13696.
+1 CC to Mr.PBALASUBRAMANIAN, Advocate, SR-13755.

W.P. (MD)No.8688 of 2020

04.08.2020

CS (07.09.2020) 3P 6C