



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2020

CORAM

WEB COPY

THE HON'BLE MR. JUSTICE R. SURESH KUMAR

W.P. (MD) No. 8680 of 2020

C. Soundarrajan

... Petitioner

-Vs-

1. The Managing Director,
Tamil Nadu State Transport Corporation, (KMB) Ltd.,
New Railway Station Road,
Kumbakonam 612 001.

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

3. The General Manager,
Tamil Nadu State Transport Corporation (KMB) Ltd.,
Karaikudi Region,
Mardhupathi, Managiri Post,
Karaikudi, Sivagangai District.

... 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 for 120 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 for retirement to till the date of actual payment.

For Petitioner : Mr. K. Gokul
For Respondents : Mr. P. Balasubramanian
Standing Counsel

ORDER

The prayer sought for herein is for a Writ of Mandamus, to direct the respondents to settle the petitioner's surrender leave salary for 120 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 for retirement to till the date of actual payment.



2. Heard Mr.K.Gokul, learned counsel appearing for the petitioner and Mr.P.Balasubramanian, learned Standing Counsel appearing for the respondents.

3. By consent of both sides, this writ petition is taken up for final disposal at the stage of admission itself.

4. The petitioner, after having rendered 18 years of service from 1998 at the respondent transport corporation, retired from service as Selection Grade Driver, on superannuation, on 31.07.2017. After retirement, all his retiral benefits have been disbursed by the respondents. However, surrender of earned leave salary for a period of 120 days accrued during the year 2011-2012, 2012-2013, 2013-2014, 2014-2015, 2015-2016 and 2016-2017 had not been paid. Therefore, in order to get the said amount, the petitioner had given a representation on 13.03.2020 to the respondents and since the same has not been considered, the petitioner is before this Court.

5. The learned Standing Counsel for the respondents would submit that, whether the petitioner would be entitled to get the surrender leave salary for 120 days alleged to have accrued between the years 2011-2017 would be verified and depending upon the eligibility, certainly that amount, whatever he is eligible to get, would be disbursed within four months time, immediately after restoration of normalcy from COVID-19 period.

6. The said submission made by the learned Standing Counsel for the respondents is hereby taken into account and accordingly, this writ petition is disposed of with the following directions:

'that the respondents are hereby directed to consider the representation of the petitioner, dated 13.03.2020 and decide the eligibility of the petitioner to claim the surrender leave salary for 120 days accrued in the year 2011-2017 and accordingly, disburse the said amount, within a period of four (4) months from the restoration of normalcy after COVID-19 situation.'

7. With these directions, the Writ Petition is disposed of . No costs.

Sd/-

Deputy Registrar (LA&M)

// True Copy //

/ /2020

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.

+1 CC to Mr.P. BALASUBRAMANIAN, Advocate (SR-13750[F]
dated 06/08/2020)

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05.08.2020

VB (01.09.2020) 3P 2C