



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.8889 of 2020

WEB COPY

N.Krishnamoorthy

... Petitioner

Vs.

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

2) 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 the Constitution of India to issue a Writ of Mandamus, directing the respondents to settle the petitioner's surrender leave salary for 38 ½ days in respect of the years 2011-12, 2012-13 and 2013-2014 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 in this writ petition is for a Writ of Mandamus, directing the respondents to settle the petitioner's surrender leave salary for 38 ½ days in respect of the years 2011-12, 2012-13 and 2013-2014 together with interest at the rate of 18 % per annum payable from the date for retirement to till the date of actual payment.

2. The petitioner after having rendered 25 years of service at the respondent Corporation from 1989, retired as 'Senior Tradesman' on superannuation on 31.01.2014. Thereafter, though his retiral benefits have been paid to the petitioner, the encashment of Surrender Leave salary for 38 ½ days during the period from 2011-12, 2012-13 and 2013-2014 is yet to be paid, which according to the petitioner comes about Rs.25,000/-.

3. In order to get the said amount, the petitioner has given a representation, dated 24.06.2020 and since the same is not being



considered, the petitioner is before Court.

4. Heard Mr.K.Gokul, learned counsel appearing for the petitioner and Mr.P.Balasubramanian, learned standing counsel appearing for the respondents, who would submit that, the entitlement and eligibility of the petitioner to get surrender leave salary as claimed by him would be decided by the respondent Corporation within a time frame and accordingly, if he is really entitled to get any such amount, that would be disbursed in four monthly installments, immediately after the restoration of normalcy of the COVID-19 situation.

5. The said submission made by Mr.P.Balasubramanian, learned standing counsel appearing for the respondents is hereby taken on record. In view of the same, this Writ Petition is disposed of with the following direction:

"that the respondents are hereby directed to consider the representation of the petitioner dated 24.06.2020 and decide the same as well as the eligibility and quantum of the petitioner of surrender leave salary as claimed by the petitioner and accordingly decide the same and disburse the amount to be quantified in this regard to the petitioner in four monthly installments immediately after restoration of normalcy from COVID 19 period."

6. With this direction, the Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (Crl Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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,
Tamil Nadu State Transport Corporation, (KMB) Ltd.,
New Railway Station Road,
Kumbakonam - 612 001



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

+1 CC to M/s.P. BALASUBRAMANIAN, Advocate (SR-13923[F] dated
12/08/2020)

W.P. (MD)No.8889 of 2020
06.08.2020

KK(04.09.2020) 3P 4C