



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.08.2020**

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.9329 of 2020

WEB COPY

Radha Krishnan

...Petitioner

-Vs-

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

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

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents to settle the petitioner's surrender leave salary for 97 days in respect of the years 2011-2012, 2012-2013, 2013-2014, 2014-2015 and 2015-2016 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.M.Fernand
For Respondents : Mr.P.Balasubramanian,
Standing Counsel

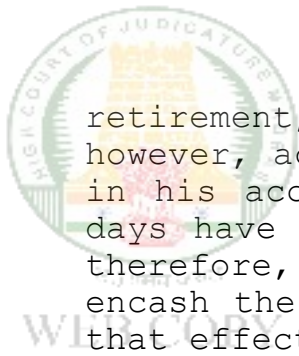
ORDER

The prayer sought for herein in this writ petition is for a Writ of Mandamus, directing the respondents to settle the petitioner's surrender leave salary for 97 days in respect of the years 2011-2012, 2012-2013, 2013-2014, 2014-2015 and 2015-2016 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.M.Fernand, learned counsel appearing for the petitioner and Mr.P.Balasubramani, learned Standing Counsel appearing for the respondents.

3. The petitioner is a retired employee of the respondents Transport Corporation and he retired from service on 30.04.2016. On

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



retirement, the petitioner admittedly received the retiral benefits, however, according to the petitioner, though totally 337 days he had in his account for encashment of Surrender Leave Salary, only 240 days have been calculated and he was permitted to encash the same, therefore, remaining 97 days since the petitioner is entitled to encash the Surrender Leave Salary, he has given a representation to that effect to the respondents corporation on 24.02.2020.

4. In this regard, the learned counsel appearing for the petitioner would submit that if the representation of the petitioner dated 24.02.2020 is directed to be considered by the respondents on merits and an order to that effect is passed, within the time frame to be stipulated by this Court, the petitioner would be satisfied.

5. The learned Standing Counsel appearing for the respondents would submit that, the request of the petitioner as stated in the said representation would be considered by the respondents on merits and after verifying the eligibility or otherwise of the petitioner to get the surrender leave salary for 97 days as claimed by him necessary orders to that effect would be passed within the time frame stipulated by this Court.

6. Considering the limited scope of the prayer sought for by the petitioner in this writ petition, this Court is inclined to dispose of this writ petition with the following orders:-

"that the respondents corporation shall consider the representation of the petitioner dated 24.02.2020, verify the eligibility of the petitioner to get the surrender leave salary for 97 days as claimed by him and accordingly, decide the same and pass necessary orders to that effect on merits and in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. With these directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Am

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

<https://hcservices.echours.gov.in/hcservices/> and the signatory concerned.



To

1.The Managing Director,
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New Railway Station Road,
Kumbakonam-612 001.

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

+1 CC to M/s.P. BALASUBRAMANIAN, Advocate (SR-14271[F] dated
17/08/2020

Order made in

W.P. (MD)No.9329 of 2020

Dated:

14.08.2020

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AP(10/09/2020) 3P 4C