



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.08.2020**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.9802 of 2020

K.Selvaraj

... Petitioner

-Vs-

1.The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Rep., by its Managing Director,
Kumabkonam.

2.The General Manager,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Nagapattinam Region,
Nagapattinam.

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Declaration, to declare the action of the respondents in not paying the petitioner's surrender leave salary for 90 days of Rs.1,43,124/- for the years 2009-2015 as illegal and arbitrary and consequently direct the respondents to forthwith disburse surrender leave salary of RS.1,43,124/- together with interest at the rate of 18% per annum from the date of retirement to till the date of disbursement within the time that may be stipulated by this Court.

For Petitioner : Mr.A.Rahul
For Respondents : Mr.P.Balasubramanian

ORDER

Prayer sought for herein is for a writ of Declaration, to declare the action of the respondents in not paying the petitioner's surrender leave salary for 90 days of Rs.1,43,124/- for the years 2009-2015 as illegal and arbitrary and consequently, direct the respondents to forthwith disburse surrender leave salary of Rs.1,43,124/- together with interest at the rate of 18% per annum from the date of retirement to till the date of disbursement within a time frame to be stipulated by this Court.

2.Heard Mr.A.Rahul, 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 admission stage itself.



4.The petitioner was working as a Superintendent at the respondent Corporation and retired from service on superannuation on 31.12.2015. After retirement, though his retiral benefits and pensionary benefits had been given, insofar as the surrender leave encashment benefits is concerned, out of the total surrender leave available with the petitioner to the extent of 403 days, only 240 days was accepted and the amount was given. Therefore, between the year 2009 and 2015 when the petitioner was in service, he would be entitled to get surrender leave encashment salary for 90 days to the extent of Rs.1,43,124/-. Therefore, the said amount since has not been paid, the petitioner had given the representation, dated 12.03.2020 and the same has not been considered, the petitioner has filed this writ petition with the aforesaid prayer.

5.The learned counsel appearing for the petitioner would submit that, many number of writ petitions of this nature have been considered by this Court and orders were passed, where direction was issued and a recent order passed by this Court, dated 06.07.2020 made in W.P(MD).No.7325 of 2020 in the matter of **S.Sivam, Vs., The Management of Tamil Nadu State Transport Corporation, Kumbakonam Ltd.**, relied upon by the learned counsel for the petitioner, where this Court passed the following order:

'.....

6.In view of the order passed by this Court in W.P (MD).No.2449 of 2019, dated 02.04.2018, as the same having been confirmed in W.A(MD).No.210 of 2019, dated 04.09.2019, the issue raised in this writ petition is also covered. Therefore, this Court is inclined to pass the following directions:

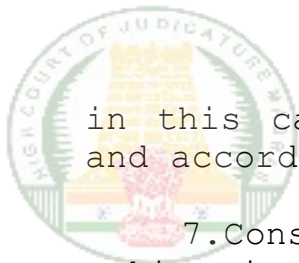
"1.The petitioner shall be entitled to claim the leave salary surrender encashment benefit depending upon his eligibility for the relevant years and since the petitioner has already made such a request on 18.11.2019, the same shall be accepted and the amount equivalent to surrender of earned leave shall be disbursed to the petitioner.

2.The time frame fixed to do the needful as indicated above shall be four months from the date of receipt of a copy of this order."

7.With this direction, this Writ Petition is disposed of. No costs. '

Therefore, the learned counsel would submit that, the similar benefit can be extended to the petitioner also.

6.I have heard the learned Standing Counsel appearing for the respondents, who would submit that, if the similar direction as that of the order passed by this Court, dated 06.07.2020 is issued



in this case, the request of the petitioner would be considered and accordingly, decided as indicated therein.

7. Considering the said submissions made by both sides and taking into account the earlier order passed by this Court, this writ petition is disposed of with the following directions:

"1. The petitioner shall be entitled to claim the surrender leave salary encashment benefit depending upon his eligibility for the relevant years and since the petitioner has already made such a request on 12.03.2020, the same shall be accepted and the amount equivalent to surrender of earned leave shall be disbursed to the petitioner.

2. The time frame fixed to do the needful as indicated above shall be four months from the date of receipt of a copy of this order."

No costs.

Sd/-

Assistant Registrar (AD I)

// 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.

W.P. (MD) No. 9802 of 2020
24.08.2020

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