



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.11679 of 2020

B.Shanmugavalli

... 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 filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to settle the petitioner's husband's surrender leave salary for 63-1/2 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 till the date of payment.

For Petitioner : Mr.K.Gokul
For Respondents : Mr.P.M.Vishuvarthanan,
Standing counsel

O R D E R

The prayer sought for in this writ petition is for a Writ of Mandamus, to direct the respondents to settle the petitioner's husband's surrender leave salary for 63-1/2 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 till the date of payment.

2. The petitioner's husband was working as an employe at the respondent Transport Corporation and he retired from service and he is no more. In this regard, in respect of surrender leave salary for 63 ½ days from the year 2011-12 to 2015-16, since the same has not been paid to the petitioner's husband and therefore, in order to get the said amount, the petitioner had given representation on 04.03.2020 seeking such surrender leave salary with interest and since the same has not been so far considered and decided, the petitioner has filed the present writ petition with the aforesaid prayer.



3. Heard the learned counsel appearing for the petitioner and learned standing counsel appearing for the respondents.

4. Mr.P.M.Vishuvarthanan, learned standing counsel appearing for the respondents would submit that, the request of the petitioner made on behalf of the deceased employee for getting Surrender Leave salary would be considered on merits and accordingly after verifying the entitlement of the petitioner, the same would be calculated and will be disbursed within a time frame.

5. Considering the limited scope of the prayer sought for herein and having regard to the said submission made by the learned counsel appearing on either sides, this Court is inclined to dispose of the writ petition with the following order:-

" that the respondents are hereby directed to consider the representation of the petitioner dated 04.03.2020, where the respondents can decide the entitlement of the petitioner about the surrender leave salary payable to the deceased husband of the petitioner and accordingly, calculate and disburse the same, within a period of eight weeks from the date of receipt of a copy of this order."

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

Sd/-

Assistant Registrar (CSIII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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.

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+1 CC to M/s.P.M. VISHHNUVARTHANAN, Advocate (SR-17005[F]
dated 15/09/2020)

W.P. (MD) No.11679 of 2020
15.09.2020

DKS (CO)
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