



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.09.2020

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)Nos.12844 and 12855 of 2020

G.Vengatesan

...Petitioner

in W.P(MD).No.12844 of 2020

K.Ramasamy

...Petitioner

in W.P(MD).No.12855 of 2020

-Vs-

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

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

...Respondents in both petitions

Common Prayer: Writ Petitions are filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents to pay the petitioners' surrender leave salary for 94, 135 days of Rs.1,15,890/-, Rs.2,09,200/- for the years 2010-2016, 2010-2018 respectively 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.

In both petitions

For Petitioners : Mr.A.Rahul

For Respondents : Mr.P.M.Vishnuvarthanan

Standing Counsel

COMMON ORDER

The prayer sought for herein is for a Writ of Mandamus, to direct the respondents to pay the petitioners' surrender leave salary for 94, 135 days of Rs.1,15,890/-, Rs.2,09,200/- for the years 2010-2016, 2010-2018 respectively, 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.

2.Heard Mr.A.Rahul, learned counsel appearing for the petitioners and Mr.P.M.Vishnuvarthanan, learned Standing Counsel appearing for the respondents.

3.Since the issue raised in both writ petitions is one and the same, with the consent of both sides, these writ petitions are heard together and being disposed of by this common order at the admission stage itself.



4. That the petitioner in W.P(MD).No.12844 of 2020 was working as Special Grade Conductor and the petitioner in W.P(MD).No.12855 of 2020 was working as Special Grade Driver at the respondent Transport Corporation. After having rendered long years of service, they retired from service, on superannuation, on 30.06.2016 and 31.03.2018 respectively. After retirement, the retiral benefits though had been disbursed to both these petitioners, their surrender leave salary has not so far been paid, for which, the petitioners are entitled to. Therefore, in order to get the surrender leave salary, the petitioners had given a representation to the respondents on 27.07.2020. However, the same since has not so far been considered, the petitioners have filed these writ petitions with the aforesaid prayer.

5. The learned counsel appearing for the petitioners would submit that, the petitioners are entitled to get the surrender leave salary and in this regard, number of orders have been passed by this Court, where he relied upon the latest order passed by this Court, dated 06.07.2020 in W.P(MD).No.7325 of 2020. Hence, the learned counsel seeks indulgence of this Court.

6. The learned Standing Counsel appearing for the respondents would submit that, if at all, the petitioners are entitled to get the surrender leave salary, the said entitlement would be decided by considering the representation, dated 27.07.2020 and accordingly, the surrender leave salary, according to the eligibility of each of the petitioners, would be calculated and be paid within a time frame that may be stipulated by this Court.

7. Considering the said submissions made by both sides, this Court is inclined to disposed of these writ petitions with the following order:

'that the respondents are hereby directed to consider the representation of the petitioners, dated 27.07.2020 and accordingly, calculate the surrender leave salary payable to each of the petitioners and the said calculated/quantified amount shall be paid to the petitioners within a period of four months from the date of receipt of a copy of this order.'

8. With the above directions, these Writ Petitions are disposed of. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



W.P.(MD)Nos.12844 and 12855 of 2020

1.The Managing Director,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Kumbakonam.

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

+2CC to Mr.P.M.Vishnuvarthanan,Advocate,SR.No.18332 and 18333 dated
29.09.2020

W.P. (MD)Nos.12844 and 12855 of 2020
28.09.2020

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