



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.[MD]No.15169 of 2020

WEB COPY

L.Samynathan

... Petitioner

Vs.

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

... Respondents

PRAYER : This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, to direct the respondents to settle the petitioner's surrender leave salary for 78 days in respect of the years 2011-2012, 2012-2013, 2013-2014, 2014-2015, 2015-2016, 2016-2017 and 2017-2018 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 Respondent	: Mr.P.M.Vishnu Varathanan Standing Counsel

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.This Writ Petition has been filed to direct the respondent to settle the petitioner's surrender leave salary for 78 days in respect of the years 2011-2012, 2012-2013, 2013-2014, 2014-2015, 2015-2016, 2016-2017 and 2017-2018 together with interest at the rate of 18% per annum payable from the date for retirement to till the date of actual payment.

3.It is the grievance of the petitioner that his surrender leave salary from the year 2011 to 2018 has not been disbursed by the respondent corporation on the ground that the corporation is facing financial crises. The petitioner was retired from service on 31.05.2018. At the time of retirement, he had 78 days of earned leave in his credit. Therefore, he approaches the respondent repeatedly to settle the surrender leave salary for 78 days. In this regard, he has given a representation dated 03.10.2020 for disbursement of 78 days surrender leave salary along with 6% interest. However, the respondent has not taken any steps to pay the surrender leave salary till date. Hence, he approaches this Court to pass appropriate order.



4. On the other hand, the learned Standing Counsel appearing for the respondent would fairly submit that certainly the petitioner is entitled for the surrender leave salary and the said amount will be paid within a reasonable time.

5. In view of the submission made by the learned counsel appearing on either side, this Court is of the view that the petitioner was retired from service on 31.05.2018 and he is certainly entitled for surrender leave salary of 78 days. Unfortunately, the respondent failed to settle the entitlement of surrender leave salary to the petitioner, even after expiry of 1 ½ year on his retirement. Therefore, this court is constrained to direct the respondent to pay the surrender leave salary for 78 days, after considering the petitioner's representation dated 03.10.2020 within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

cp

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:-

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

+1 CC to Mr.K GOKUL, Advocate (SR-20931[F] dated 03/11/2020)
+1 CC to Mr.P.M. VISHNUVARTHANAN, Advocate (SR-20973[F] dated 03/11/2020)

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SS (CO)

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