



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **17.12.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

W.P. (MD)No.18731 of 2020

1.P.Rajendren

2.A.Gopal

3.R.Gurunathan

... Petitioners

Vs.

1. The Government of Tamil Nadu,
Represented by its Secretary to Government,
Transport Department,
Secretariat,
Chennai - 600 009.

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

3. The Financial Advisor & Chief
Accounts Officer,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
No.27, New Railway Station Road,
Kumbakonam - 612 001,
Thanjavur District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to settle the petitioners' benefit of enhancement of Earned Leave surrendered by them before the 3rd respondent from the year 2010 to till the date of retirement of the petitioners with interest at 18% as per the 1998 Wage Settlement Effect under Section 12(3) of ID Act, 1947.



For Petitioners : Mr.N.Sudhagar Nagaraj
For Respondents : Mr.D.Sivaraman,
Standing Counsel for R2 & R3
Mr.K.P.Narayanakumar,
Special Govt. Pleader for R1

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ORDER

This writ petition has been filed to direct the respondents to settle the petitioners' benefit of enhancement of Earned Leave surrendered by them before the 3rd respondent from the year 2010 to till the date of retirement of the petitioners with interest at 18% as per the 1998 Wage Settlement Effect under Section 12(3) of ID Act, 1947.

2.The learned counsel for the petitioners submitted that the petitioners only seek payment of their earned leave salary. He further submitted that though the petitioners retired from service on 30.09.2015, 30.04.2016 and 31.05.2018 respectively, the respondents did not grant their earned leave salary. In this regard, they gave representation to the respondents on 20.11.2020. Since, the same has not been considered, this writ petition came to be filed.

3.The learned standing counsel appearing for the respondents submitted that the representation of the petitioners will be considered and disposed of within a period of eight weeks from the date of receipt of a copy of this order, if the petitioners are eligible.

4.The respondents are directed not to provide any reason for non-payment of the surrender leave salary due to the financial crisis. If the respondents show any financial crisis, this Court is of the opinion that the entire financial affairs of the respondents/Corporation should be investigated and necessary corrective measures should be taken. It is not only the question of shortage of funds but also it is matter of providing funds for non-priority expenses. In such cases, the matter should be viewed seriously. This Court is *prima faice* of the view that with regard to payment of pension matter, priority should be given as first category.

5.Taking note of all these aspects, the respondents are directed to dispose of the representation of the petitioners within a period of eight weeks from the date of receipt of a copy of this order and pay the petitioners' earned leave salary within a period of four weeks thereafter on merits and in accordance with law.



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6.The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (A.E)

// True Copy //

/ /2021

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:

The Secretary to Government,
Transport Department,
Secretariat,
Chennai - 600 009.

+1cc to Mr.N.Sudhagar Nagaraj, Advocate, SR.No.26306.
+1cc to Mr.D.Sivaraman, Advcoate, SR.No.26329.
+1cc to the SPL GP SR.No.26671.

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17.12.2020

SGS (CO)

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