



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.12.2020

CORAM

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P. (MD)No.19065 of 2020

WEB COPY

D.Natarajan

... Petitioner

Vs.

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

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

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to pay the petitioner surrender leave salary for 85 days of Rs.1,26,990/- for the years 2011-2016 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

O R D E R

This writ petition has been filed for a direction to the respondents to pay the surrender leave salary of Rs.1,26,990/- for 85 days together with interest at the rate of 18% per annum from the date of retirement to till the date of disbursement.

2. By consent, the writ petition itself is taken up for final disposal.

3. The learned counsel appearing for the petitioner submitted that the petitioner has given a representation, dated 26.09.2019, to the first respondent, requesting him to pay the surrender leave salary, which was withheld by the respondents citing financial crisis. However, no order has been passed by the respondents so far. Hence, the petitioner has approached this Court by filing this writ petition.



4. Mr.P.Balasubramanian, learned Standing counsel takes notice for the respondents and submitted that eligible amount will be paid to the petitioner, by considering the representation of the petitioner, dated 26.09.2019.

5. The issue involved in the present writ petition is no more *res integra*. Already the judgment of the Division Bench of this Court in W.A.No.210 of 2019, dated 04.09.2019, has been followed by this Court in W.P.(MD).No.7325 of 2020, dated 06.07.2020, holding that the surrender leave salary of the petitioner cannot be withheld citing the financial crisis. This Court, in number of cases, held that the respondent Corporation have to re-arrange the affairs of financial activities of it and in such a manner, to give the first priority to release the pensionary benefit of the retired persons and unless and until if they are arranging in a proper manner, these type of issues cannot be sort out. Therefore, this Court is of the view that it is the duty of the Financial Controller to make suitable provision for the retirement benefit, in every year budget of the respondent Corporation.

6. In view of the above, this Court directs the respondents to consider the representation of the petitioner, dated 26.09.2019, on merits and in accordance with law and to pay the surrender leave salary for a period of 85 days, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

AKV

+1 cc to Mr.A.Rahul , Advocate SR.No.26967

+1 cc to Mr.P.Balasubramanian , Advocate SR.No.26894

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