



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.12.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

W.P. (MD)No.18927 of 2020

P.Rajendran

... Petitioner

Vs.

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

2. The General Manager,
The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
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's surrender leave salary for 105 days of Rs.1,69,309/- for the years 2011-2017 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.

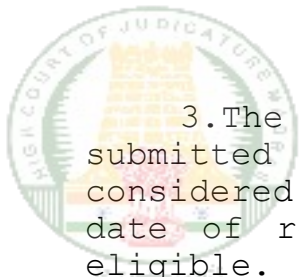
For Petitioner : Mr.A.Rahul

For Respondents : Mr.P.Balasubramanian

ORDER

This writ petition has been filed to direct the respondents to pay the petitioner's surrender leave salary for 105 days of Rs.1,69,309/- for the years 2011-2017 together with interest at the rate of 18% per annum from the date of retirement to till the date of disbursement.

2.The learned counsel for the petitioner submitted that the petitioner only seeks payment of his surrender leave salary.



3.The learned standing counsel appearing for the respondents submitted that the representation of the petitioner 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 petitioner is eligible.

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4.The respondents are directed not to provide any reason for non-payment of the surrender leave salary, on again the reason of 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 petitioner within a period of four weeks from the date of receipt of a copy of this order and pay the petitioner's surrender leave salary within a period of four weeks thereafter.

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Ias

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 Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Represented by its Managing Director,
Kumbakonam.



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

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+1cc to M/s.A.Rahul, Advocate Sr.No.26801

+1cc to M/s.P.Balasubramanian, Advocate Sr.No.26796

W.P. (MD) No.18927 of 2020

21.12.2020

DKS (CO)

NR (06/01/2020) 3P : 5C