



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2021

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.14281 of 2021

M.Balasubramanian

... Petitioner

Vs.

1. The Managing Director,
The Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited
Corporate Office,
Kumbakonam - 612 001.

2. The General Manager,
The Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
Regional Office,
Kumbakonam - 612 001.

3. The Chief Financial Advisor,
The Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
Kumbakonam - 612 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to settle petitioner's surrender leave salary for 60 days in respect of the years 2010-2020 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.A.R.Palani Samy

For Respondents : Mr.D.Sivaraman
Standing Counsel

ORDER

Mr.D.Sivaraman, learned Standing Counsel takes notice for respondents.

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



3. According to the petitioner, the similar facts of the case has already been challenged before this Court in W.P.(MD)No.2449 of 2018 and this Court allowed the writ petition and assailed the said order, the Transport Corporation, has preferred an appeal in W.A. (MD)No.210 of 2019 and the Hon'ble Division Bench of this Court by order dated 04.09.2019, confirmed the order passed by the writ Court. Following the same, similar orders have been passed in several writ petitions viz., W.P.(MD)No.4448 of 2021, dated 04.03.2021, W.P.(MD)No.9203 of 2021, dated 03.06.2021, W.P.(MD) No.9878 of 2021, dated 08.06.2021 and W.P.(MD)No.11316 of 2021, dated 08.07.2021. In the light of the same, the instant writ petition has also to be allowed.

4. The learned Standing Counsel appearing for the respondents transport Corporation has not disputed the decisions of this Court passed in the aforesaid writ petitions as well as the writ appeal and further submitted that the respondents will consider the petitioner's representation and take appropriate decision in the light of the aforesaid orders passed by this Court.

5. In view of the submissions made by both parties and considering the orders passed in the aforesaid Writ Petitions, this Court directs the second respondent to consider the petitioner's representation dated 15.06.2021, in the light of the orders passed in W.P.(MD)No.2449 of 2018, dated 02.04.2018 within a period of eight weeks from the date of receipt of a copy of this order. Ultimately the authority has come to the conclusion that the petitioner is eligible to sanction surrender leave salary, the said amount shall be settled within a period of four months from the date of passing the order by way of installments.

6. With the above direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Vsm

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 Managing Director,
The Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited
Corporate Office,
Kumbakonam - 612 001.

2. The General Manager,
The Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
Regional Office,
Kumbakonam - 612 001.

3. The Chief Financial Advisor,
The Tamil Nadu State Transport Corporation,
(Kumbakonam) Limited,
Kumbakonam - 612 001.

+1 CC to M/s.D.SIVARAMAN, Advocate (SR-26153[F] dated 12/08/2021)

+1 CC to M/s.A.R.PALANISAMY, Advocate (SR-26179[F] dated 12/08/2021

W.P (MD) No.14281 of 2021
12.08.2021

ps (CO)

TR(01.09.2021) 3P 6C