



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2021

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P(MD)No.17317 of 2021

N.Manoharan

... Petitioner

Vs.

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

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

... 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 pay the petitioner's surrender leave salary for 202 days for the years 2011-2017 together with interest at the rate of 18% per annum from the date of the petitioner's retirement to till the date of disbursement within the time that may be stipulated by this Court.

For Petitioner : Mr.K.A.S.Prabhu
For Respondents : Mr.P.Balasubramanian,
Standing Counsel for State.

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, to direct the respondents to pay the petitioner's surrender leave salary for 202 days for the years 2011-2017 together with interest at the rate of 18% per annum from the date of the petitioner's retirement to till the date of disbursement within the time that may be stipulated by this Court.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



3. Heard the learned counsel for the petitioner and the learned Standing counsel for the respondents and perused the entire records.

4. According to the petitioner, he joined in the 1st respondent Corporation as Mechanic with effect from 30.05.1986 and later, he was promoted as Special Grade Mechanic and retired from service with effect from 28.02.2017. The grievance of the petitioner is that the respondents have not settled the surrender leave salary for 202 days for the years 2011-2017. Therefore, the petitioner has made a representation dated 09.09.2021, seeking to disburse the surrender leave salary for 202 days 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. Since no orders have been passed on the said representation, the petitioner has filed this Writ Petition.

5. The learned counsel appearing for the petitioner would submit that the similar issue has already been decided by this Court in W.A(MD).No.1138 of 2019, dated 25.10.2019, wherein, the Hon'ble Division Bench of this Court directed the Corporation to settle the arrears amount to the employee in four equal monthly installments. Therefore, on the same line, the present Writ Petition has to be disposed of.

6. The learned Standing Counsel appearing for the respondents Corporation would submit that the representation of the petitioner dated 09.09.2021 will be considered by the respondents corporation in the light of the order passed by the Division Bench this Court in W.A(MD).No.1138 of 2019, dated 25.10.2019.

7. In view of the submissions made by both the parties, this Court directs the second respondent to consider the petitioner's representation dated 09.09.2021 by taking note of the order passed in W.A.(MD)No.1138 of 2019, dated 25.10.2019, and pass orders as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

dn

<https://hcservices.ecourts.gov.in/hcservices/>



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

+1 CC to M/s.P.BALASUBRAMANIAN, Advocate (SR-30264[F] dated
24/09/2021)

**W.P (MD) No.17317 of 2021
24.09.2021**

MGJ(21.10.2021) 3P 4C