



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.A(MD)Nos.1883 to 1892 of 2021

and

C.M.P(MD)Nos.8320, 8322, 8324, 8326, 8327, 8328, 8329, 8330, 8332 & 8333 of 2021

against

W.P(MD) .No.3757,3762,3768,3770,3774,3779,3783,5956,7345,&7346 of 2021

W.P(MD)No.1883 of 2021:-

Tamil Nadu State Transport Corporation Limited,
Rep. by its Managing Director,
Madurai Division,
Bye Pass Road,
Madurai - 625 010. ... Appellant/2nd Respondent

Vs.

1.N.R.Suresh Babu ... 1st Respondent/Petitioner

2.The Principal Secretary to Government,
Transport Department and Chairman of
State Transport Undertakings,
Secretariat, Fort St. George,
Chennai - 09. ... 2nd Respondent/1st Respondent

IN W.A(MD).No.1884 of 2021

1. Tamil Nadu State Transport Corporation Limited,
Represented by its Managing Director,
Madurai Division,
Bye Pass Road,
Madurai - 625 010. ..Appellant/2nd respondent

-vs-

1) S.Janarthanan .. 1st respondent/Petitioner

2) The Principal Secretary to Government,
Transport Department and Chairman of
State Transport Corporation Undertakings,
Secretariat, Fort St.George, Chennai - 09.



..2nd respondent/ 1st respondent

IN W.A(MD).No.1885 of 2021

1. Tamil Nadu State Transport Corporation Limited,
Represented by its Managing Director,
Madurai Division,
Bye Pass Road,
Madurai - 625 010.

..Appellant/2nd respondent

-vs-

- 1) A.S.Rengamoorthy ..1st respondent/Petitioner
- 2) The Principal Secretary to Government,
Transport Department and Chairman of
State Transport Corporation Undertakings,
Secretariat, Fort St.George, Chennai - 09.
..2nd respondent/ 1st respondent

IN W.A(MD).No.1886 of 2021

1. Tamil Nadu State Transport Corporation Limited,
Represented by its Managing Director,
Madurai Division,
Bye Pass Road,
Madurai - 625 010.

..Appellant/2nd respondent

-vs-

- 1) R. Sukumar RAjasekaran ..1st respondent/Petitioner
- 2) The Principal Secretary to Government,
Transport Department and Chairman of
State Transport Corporation Undertakings,
Secretariat, Fort St.George, Chennai - 09.
..2nd respondent/ 1st respondent

IN W.A(MD).No.1887 of 2021

1. Tamil Nadu State Transport Corporation Limited,
Represented by its Managing Director,
Madurai Division,
Bye Pass Road,
Madurai - 625 010.

..Appellant/2nd respondent

-vs-

- 1) T.G.Jawahar ..1st respondent/Petitioner



2) The Principal Secretary to Government,
Transport Department and Chairman of
State Transport Corporation Undertakings,
Secretariat, Fort St.George, Chennai - 09.

..2nd respondent/ 1st respondent

IN W.A(MD).No.1888 of 2021

1. Tamil Nadu State Transport Corporation Limited,
Represented by its Managing Director,
Madurai Division,
Bye Pass Road,
Madurai - 625 010.

..Appellant/2nd respondent

-vs-

1) M.Nagarajan

..1st respondent/Petitioner

2) The Principal Secretary to Government,
Transport Department and Chairman of
State Transport Corporation Undertakings,
Secretariat, Fort St.George, Chennai - 09.

..2nd respondent/ 1st respondent

IN W.A(MD).No.1889 of 2021

1. Tamil Nadu State Transport Corporation Limited,
Represented by its Managing Director,
Madurai Division,
Bye Pass Road,
Madurai - 625 010.

..Appellant/2nd respondent

-vs-

1) J.R.Balan

..1st respondent/Petitioner

2) The Principal Secretary to Government,
Transport Department and Chairman of
State Transport Corporation Undertakings,
Secretariat, Fort St.George, Chennai - 09.

..2nd respondent/ 1st respondent

IN W.A(MD).No.1890 of 2021

1. Tamil Nadu State Transport Corporation Limited,
Represented by its Managing Director,
Madurai Division,
Bye Pass Road,
Madurai - 625 010.

2. The General Manager,
Tamil Nadu State Transport Corporation Limited,
Madurai Region,
Bye Pass Road,



Madurai - 625 010.

-vs-

..Appellants/respondents

N.Krishnadass

..respondent/Petitioner

IN W.A(MD).No.1891 of 2021

1. Tamil Nadu State Transport Corporation Limited,
Represented by its Managing Director,
Madurai Division,
Bye Pass Road,
Madurai - 625 010.

2. The General Manager,
Tamil Nadu State Transport Corporation Limited,
Madurai Region,
Bye Pass Road,
Madurai - 625 010.

..Appellants/respondents

-vs-

M.S. Devadoss

..respondent/Petitioner

IN W.A(MD).No.1892 of 2021

1. Tamil Nadu State Transport Corporation Limited,
Represented by its Managing Director,
Madurai Division,
Bye Pass Road,
Madurai - 625 010.

2. The General Manager,
Tamil Nadu State Transport Corporation Limited,
Madurai Region,
Bye Pass Road,
Madurai - 625 010.

..Appellants/respondents

-vs-

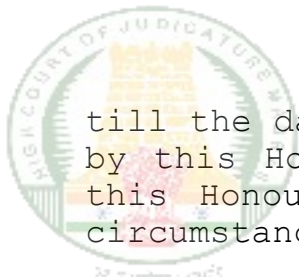
M.Paulraj

..respondent/Petitioner

Prayer: Writ Appeals filed under Clause 15 of the Letters Patent against the order, dated 26.02.2021 made in W.P(MD)No.3757 of 2021 on the file of this Court.

Prayer in WP(MD). 3757/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ or Order or Direction or in the nature of Writ of Mandamus, directing the Respondents to pay petitioner s Surrender Leave Salary for 105 days of Rs.1,26,577/- for the years 2009-2016 together with interest at the rate of 18 percentage per annum from the date of retirement to



till the date of disbursement within the time that may be stipulated by this Honourable Court and pass such further or other orders as this Honourable Court may deem fit and proper in the nature and circumstances of the case and thus render Justice.

Prayer in WP(MD). 3762/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ or Order or Direction or in the nature of Writ of Mandamus, directing the Respondents to pay petitioner s Surrender Leave Salary for 120 days of Rs.1,30,394/- for the years 2009-2016 together with interest at the rate of 18 percentage per annum from the date of retirement to till the date of disbursement within the time that may be stipulated by this Honourable Court and pass such further or other orders as this Honourable Court may deem fit and proper in the nature and circumstances of the case and thus render Justice.

Prayer in WP(MD). 3768/ 2021 :

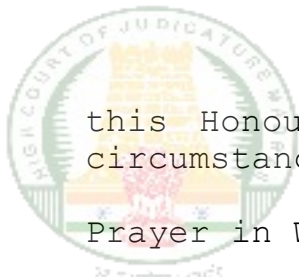
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ or Order or Direction or in the nature of Writ of Mandamus, directing the Respondents to pay petitioner s Surrender Leave Salary for 75 days of Rs.73,851/- for the years 2009-2014 together with interest at the rate of 18 percentage per annum from the date of retirement to till the date of disbursement within the time that may be stipulated by this Honourable Court and pass such further or other orders as this Honourable Court may deem fit and proper in the nature and circumstances of the case and thus render Justice.

Prayer in WP(MD). 3770/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ or Order or Direction or in the nature of Writ of Mandamus, directing the Respondents to pay petitioner s Surrender Leave Salary for 105 days of Rs.1,04,666/- for the years 2009-2015 together with interest at the rate of 18 percentage per annum from the date of retirement to till the date of disbursement within the time that may be stipulated by this Honourable Court and pass such further or other orders as this Honourable Court may deem fit and proper in the nature and circumstances of the case and thus render Justice.

Prayer in WP(MD). 3774/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ or Order or Direction or in the nature of Writ of Mandamus, directing the Respondents to pay petitioner s Surrender Leave Salary for 105 days of Rs.1,14,192/- for the years 2009-2016 together with interest at the rate of 18 percentage per annum from the date of retirement to till the date of disbursement within the time that may be stipulated by this Honourable Court and pass such further or other orders as



this Honourable Court may deem fit and proper in the nature and circumstances of the case and thus render Justice.

Prayer in WP(MD). 3779/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ or Order or Direction or in the nature of Writ of Mandamus, directing the Respondents to pay petitioner s Surrender Leave Salary for 90 days of Rs.86,578/- for the years 2009-2015 together with interest at the rate of 18 percentage per annum from the date of retirement to till the date of disbursement within the time that may be stipulated by this Honourable Court and pass such further or other orders as this Honourable Court may deem fit and proper in the nature and circumstances of the case and thus render Justice.

Prayer in WP(MD). 3783/ 2021 :

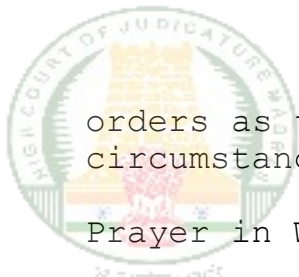
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ or Order or Direction or in the nature of Writ of Mandamus, directing the Respondents to pay petitioner s Surrender Leave Salary for 75 days of Rs.76,007/- for the years 2009-2015 together with interest at the rate of 18 percentage per annum from the date of retirement to till the date of disbursement within the time that may be stipulated by this Honourable Court and pass such further or other orders as this Honourable Court may deem fit and proper in the nature and circumstances of the case and thus render Justice.

Prayer in WP(MD). 5956/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court S-12. To issue a Writ of Mandamus or any other appropriate Writ, Order or Direction particularly in the nature of Writ, directing the respondents to settle my surrender leave salary for 120 days in respect of the years 2010-2011, 2011-2012, 2012-2013, 2013-2014, 2014-2015, 2015-2016, 2016-2017 and 2017-2018, together with interest at the rate of 18 percent per annum payable from the date for retirement to till the date of actual payment, and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

Prayer in WP(MD). 7345/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court S-12. To issue a Writ of Mandamus or any other appropriate writ or order or directions in the nature of writ, directing the respondents to pay the Service Surrender Leave Salary amount of Rs.46,374/- payable to the petitioner for the period from 2010 to 2012, together with 18 percentage interest from the date of his retirement i.e. 30.11.2013 to till the date of payment and all other attendant benefits to him within the stipulated period and to pass such other or further



orders as this Honble Court may deem fit and proper in the facts and circumstances of the case and thus render justice.

Prayer in WP(MD). 7346/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court S-12. To issue a Writ of Mandamus or any other appropriate writ or order or directions in the nature of writ, directing the respondents to pay the Service Surrender Leave Salary amount of Rs.98,076/- payable to the petitioner for the period from 2010 to 2015, together with 18 percentage interest from the date of his retirement i.e. 31.12.2015 to till the date of payment and all other attendant benefits to him within the stipulated period and to pass such other or further orders as this Honble Court may deem fit and proper in the facts and circumstances of the case and thus render justice.

For Appellant	: Mr.J.Senthil Kumaraiah
For R - 2	: Mr.P.Thilak Kumar
	Government Pleader

COMMON JUDGMENT

(Judgment of the Court was delivered by
M.DURAISWAMY, J.)

Challenging the orders passed in W.P(MD)Nos.3757, 3762, 3768, 3770, 3774, 3779, 3783, 5956, 7345 and 7346 of 2021, the second respondent in the Writ Petitions has filed the above Writ Appeals.

2.The first respondent/writ petitioners filed the Writ Petitions to issue Writs of Mandamus, directing the appellant and the second respondent to pay their surrender leave salary together with interest at the rate of 18% per annum from the date of retirement till the date of disbursement within a time frame.

3.The learned Single Judge, taking into consideration the case of both sides, allowed the Writ Petitions and directed the appellant/second respondent to settle the surrender leave salary in respect of the first respondent-employees together with interest at the rate of 6% per annum from the date of retirement till the date of actual disbursement. Further, the learned Single Judge directed the appellant/second respondent to disburse the surrender leave salary in six equal monthly installments.

4.It cannot be disputed that the first respondent-employees are entitled to get the leave salary to the credit of their accounts. On attaining the superannuation, the first respondent-employees are entitled to get the surrender leave salary for the available number of days. Though the first respondent-employees have retired long back, the appellant/second respondent failed to settle the surrender



leave salary standing to their credit till today.

5. When the first respondent-employees are entitled to get surrender leave salary on attaining the superannuation, the appellant should have paid the amounts immediately. Since the payments were not made immediately, the learned Single Judge while allowing the Writ Petitions directed the appellant/second respondent to pay the amounts to them together with interest at the rate of 6% per annum from the date of retirement till the date of actual disbursement.

6. Mr. Rajasekar, learned counsel appearing for the appellant submitted that the appellant/Tamil Nadu State Transport Corporation is aggrieved over the award of interest by the learned Single Judge and submitted that the appellant is liable to pay the surrender leave salary to their employees, who are the first respondent herein.

7. When the appellant agreed that the first respondent/writ petitioners are entitled to get the surrender leave salary on attaining the superannuation, the non-payment of the surrender leave salary had prejudiced the first respondent/writ petitioners to a greater extent. They are put to monetary loss by the non-payment of the surrender leave salary.

8. When the appellant is liable to pay the surrender leave salary on the retirement of their employees, the delay in making payment of the leave salary is solely because of the appellants' inaction. The first respondent/writ petitioners cannot be penalized for the wrong done by the appellant. Hence, the award of 6% interest on the surrender leave salary by the learned Single Judge is perfectly correct. We do not find any ground to interfere with the orders passed by the learned Single Judge. The Writ Appeals are devoid of merits and the same are dismissed. However, we make it clear that the reliefs granted by the learned Single Judge in the Writ Petitions are confined only to the first respondent/writ petitioners, who have filed the Writ Petitions. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

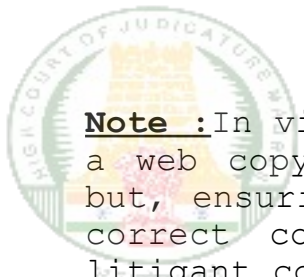
Assistant Registrar (AD-II)

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/ /2021

Sub Assistant Registrar (CS)

ps/indu



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.

WEB COPY

To

1.The Managing Director,
Tamil Nadu State Transport Corporation Limited,
Madurai Division,
Bye Pass Road,
Madurai - 625 010.

2.The Principal Secretary to Government,
Transport Department and Chairman of
State Transport Undertakings,
Secretariat, Fort St. George,
Chennai - 09.

+1 CC to M/s.SPL.GP (SR-31172[F],31178,31176,
31174,31173,31181,31180,31179,31177,31175 dated 05/10/2021)

W.A(MD)Nos.1883 to 1892 of 2021
04.10.2021

DJ(CO)
KB(22.10.2021) 9P 4C