



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.20123 of 2021

WEB COPY

A.Alagarsamy

Checking Inspector (Retired)

... Petitioner

versus

1. The Managing Director,
Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Bye-Pass Road, Madurai - 16.

2. The General Manager,
Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Madurai Region,
Bye-Pass Road,
Madurai - 16.

... Respondents

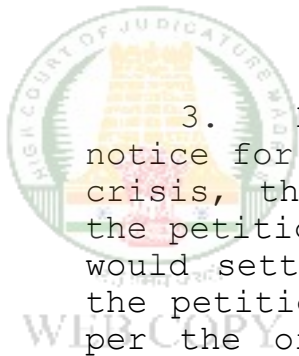
Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondents to settle the Surrender Leave Salary for 120 days, adjusted from the petitioner's Leave Account for the years from 2009 to 2016 along with belated payment interest at the rate of 18% p.a.

For Petitioner : Mr.S.Govindan
For Respondents : Mr.J.Senthil Kumariah
Standing Counsel

ORDER

This writ petition has been filed for a Mandamus, directing the respondents to settle the surrender leave salary to the petitioner for 120 days, adjusted from his Leave Account for the years from 2009 to 2016 along with interest at the rate of 18% for the belated payment of surrender leave salary.

2. The learned counsel for the petitioner submits that the petitioner was not paid surrender leave salary for 120 days, which was adjusted from his Leave Account for the years from 2009 to 2016. Even though his leave was adjusted every year from his Leave Account, Leave Salary was not paid then and there every year and the same was not settled till the date of his retirement, i.e. on 30.06.2017. When the petitioner approached the respondents, they informed that it will be settled soon. However, till date, no leave salary was paid to the petitioner. Hence, the petitioner is before this Court.



3. Mr.J.Senthil Kumariah, learned Standing Counsel, takes notice for the respondents and submits that in view of the financial crisis, the surrender leave salary amount has not been settled to the petitioner so far. He undertakes that the respondent Corporation would settle the amount within a period of four months. However, the petitioner is not entitled for interest for belated payment, as per the order of this Court passed in W.P.(MD)No.12851 of 2020, wherein, the interest for belated payment was not considered.

4. The relief sought for in the writ petition is to settle the surrender leave salary with interest for the belated payment.

5. No doubt, this Court, following the orders of the Hon'ble Apex Court, directed the Transport Corporation to pay 6% of interest for the belated payment of terminal benefits. The surrender leave salary cannot be treated as terminal benefits and the same could have been availed even during the service period. The petitioner also made an application for settlement of surrender leave salary and the Transport Corporation is also delaying the payment of surrender leave salary relying on their financial difficulties. Since the surrender leave salary cannot be termed as terminal benefits, this Court is not inclined to grant interest for the belated payment of surrender leave salary. However, the respondents shall pay the petitioner surrender leave salary for 120 days, which was adjusted from his Leave Account for the years from 2009 to 2016, within a period of four weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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 (Madurai) Ltd.,
Bye-Pass Road, Madurai - 16.

2.The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Madurai Region,
Bye-Pass Road,
Madurai - 16.

W.P (MD) No.20123 of 2021
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KG (CO)
GC (31.03.2022) 3P 3C