



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 05.03.2021

CORAM:

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

W.P. (MD)No.22798 of 2017

M.Kalanjiyam

... 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.,  
Pudukottai Region, Pudukottai.

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to settle the petitioner's surrender leave salary for 32 days of Rs.25,579/- for the years from 2009 to 2012 together with interest at the rate of 18% per annum payable from the date of retirement to till the date of actual payment.

For Petitioner : Mr.A.Rahul, Advocate

For Respondents : Mr.D.Sivaraman,  
Standing Counsel

**O R D E R**

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

This petition has been filed, seeking to direct the respondents to settle the petitioner's surrender leave salary for 32 days of Rs.25,579/- for the years from 2009 to 2012 together with interest at the rate of 18% per annum payable from the date of retirement to till the date of actual payment.

2. The case of the petitioner is that he joined in the respondent Corporation as Helper with effect from 01.09.1985 and retired from service with effect from 31.09.2012, under voluntary Retirement Scheme. However, his surrender leave salary from 2009 to



2012 was not settled by the respondents on the ground that the Corporation is facing financial crisis. Under 12(3) settlement reached between the employees and the respondent Corporation, according to which, in respect of earned leave, 15 days per year permitted to be surrendered or 30 days once in two years are permitted to surrender. But the said option was not open to the petitioner, because of the action on the part of the respondent Corporation citing the financial crisis. Further, in this regard, the petitioner referred to an earlier order dated 28.01.2016 passed in W.P.(MD).No.212 of 2016 wherein similar relief sought for has been granted and the said writ petition was allowed and the Corporation was directed to settle the above leave salary in twelve monthly installments. Hence, the petitioner made a representation on 20.11.2017 to the respondents for the above said relief. But, so far the said representation was not considered. Hence, this writ petition.

3. Learned counsel for the petitioner would submit that it would suffice, if the representation of the petitioner dated 20.11.2017 is disposed of by the respondents at the earliest.

4. Learned Special Government Pleader appearing for the respondents has no serious objection to consider the petitioner's representation, in accordance with law.

5. In view of the limited scope of the prayer sought for by the petitioner, this Court, without expressing any opinion on the merits of the matter, directs the respondents to consider the representation dated 20.11.2017 submitted by the petitioner and to pass appropriate orders thereon on merits and in accordance with law within a period of twelve(12) weeks from the date of receipt of a copy of this order, if there is no legal impediments to do so.

6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

**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.,  
Pudukottai Region, Pudukottai.

+1 CC to Mr.A.RAHUL, Advocate ( SR-9319[F] dated 05/03/2021 )

+1 CC to Mr.D.SIVARAMAN, Advocate ( SR-9439[F] dated 08/03/2021 )

**W.P. (MD) .No.22798 of 2017  
05.03.2021**

**PJL**

**TK/26.03.2021/3P/5C**