



W.P.(MD)No.6960 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.07.2022

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THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.(MD)No.6960 of 2021

R.Tamilarasan

... Petitioner

Vs.

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

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

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the second respondent in Ref.No.ThAaPoKa/Kumba/Sattam/L2/11466/2017 dated 14.02.2018 quash the same and consequently, direct the respondents to settle petitioner's



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surrender leave salary of Rs.42,207/- for 45 days in respect of the years 2009-2012 together with interest at the rate of 18% per annum payable payable from the date of retirement to till the date of actual payment.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.D.Sivaraman
Standing Counsel

ORDER

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

2. Challenging the impugned order dated 14.02.2018, rejecting the request of the petitioner for disbursement of the surrender leave salary of Rs.42,207/- for 45 days in respect of the years 2009-2012 together with interest at the rate of 18% per annum, the present Writ Petition has been filed.

3. In an identical circumstance, when a similarly placed employee had sought for payment of his surrender leave salary together with interest,



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this Court, in the case of **N.R.Suresh Babu vs. The Principal Secretary to Government and another** passed in **W.P.(MD)No.3757 of 2021** dated **26.02.2021**, had directed the Transport Corporation to settle the surrender leave salary together with interest at the rate of 6% per annum from the date of his retirement till the date of actual disbursement, in six equal monthly installments. The relevant portion of the order reads as follows:

“9.Accordingly, there shall be a direction to the second respondent herein to settle the surrender leave salary for 105 days, in respect of the years 2009-2016, together with interest at the rate of 6% per annum from the date of retirement till the date of actual disbursement. The second respondent shall be entitled to disburse the surrender leave salary in six Equal Monthly Installments and the 1st Installment shall commence from 1st of March 2021.”

The aforesaid order came to be confirmed by the Hon'ble Division Bench of this Court in a Judgment passed in W.A.(MD)Nos.1883 to 1892 of 2021, dated 04.10.2021.



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4. In view of the earlier orders passed by this Court, the petitioner herein would be entitled for claim of surrender leave salary for the eligible amount in respect of the years 2009-2012 together with interest at the rate of 6% per annum payable from the date of his retirement till the date of actual disbursement.

5. Accordingly, the impugned order passed by the second respondent is set aside. The respondents herein are directed to disburse the surrender leave salary as ordered above, in six equal monthly installments, whereby the first installment shall commence from 1st of September 2022. This Writ Petition stands partly allowed. No costs.

12.07.2022

(4/5)

Index : Yes / No

Speaking Order : Yes / No

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To

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The Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Kumbakonam.
2. The General Manager,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
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G.CHANDRASEKHARAN, J.

vji

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