

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD).No.12341 of 2021

1.B.Kaliyamurthy

2.R.Subramanian

3.M.Rajendran

4.S.Manoharan

5.K.Thennarasu

6.S.Murugan

7.S.Rajendran

8.T.Gopalan

9.C.Durairajan

10.U.Ambikapathi

11.P.Senthamilselvan

12.R.Chandrasekaran

... Petitioners

Vs.

1.The Government of Tamilnadu
Represented by its Secretary to Government,
Transport Department,
Secretariat,
Chennai – 600 009.

2.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Railway Station Road,
Kumbakonam – 612 001,
Thanjavur District.

3.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Railway Station Road,
Kumbakonam – 612 001,
Thanjavur District.

...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 settle the petitioners' benefit of encasement of Earned Leave surrendered by them before the second respondent from the year 2010 to till the date of retirement of the petitioners with interest at 18 % as per the 1998 Wage Settlement Effect under section 12 (3) of ID Act, 1947.

For Petitioners	: Mr.N.Sudhagar Nagaraj
For R-1	: Mr.R.Ragavendran, Government Advocate.
For R-2 and R-3	: Mr.P.Balasubramanian

ORDER

Aggrieved against the non-settlement of the surrender leave salary to the petitioners, they have claimed settlement of surrender leave salary together with interest in this Writ Petition.

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

3.In view of the earlier orders passed by this Court, the petitioners herein would be entitled for claim of surrender leave salary for the eligible amount from the year 2010 till the date of retirement, together with interest at the rate of 6% per annum payable from the date of their retirement till the date of actual disbursement.

4.Accordingly, 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 November 2022. This Writ Petition stands partly allowed. There shall be no order as to costs.

25.08.2022

Index : Yes / No
Internet : Yes/ No
Lm

To

- 1.The Secretary to Government,
The Government of Tamilnadu
Transport Department,
Secretariat,
Chennai – 600 009.
- 2.The Managing Director,
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(Kumbakonam) Limited,
Railway Station Road,
Kumbakonam – 612 001,
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M.S.RAMESH, J.

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