



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD)No.12357 of 2022

P.Muthulakshmi

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport
Corporation (MDU) Limited,
Bye-pass Road,
Madurai - 625 016.

2. The Financial Advisor & CAO,
Tamil Nadu State Transport
Corporation (MDU) Limited,
Bye-pass Road,
Madurai - 625 016.

3. The General Manager,
Tamil Nadu State Transport
Corporation (MDU) Limited,
Dindigul Region,
Bye-pass Road,
Dindigul.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to settle petitioner's surrender leave salary for 90 days in respect of the years 2009-2010 to 2013-2014 together with interest at the rate of 6% per annum payable as per Court direction, in one instalment to the petitioner according to the last drawn salary in the month of July 2014 to the petitioner as per the representation dated 02.02.2022 from the date of her retirement to till the date of actual payment.

For Petitioner : Mr.K.Thirugnanasambandan
For Respondents : Mr.S.Sivabalaji
Standing counsel

O R D E R

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



2. Aggrieved against the non-settlement of the surrender leave salary to the petitioner, she has claimed settlement of surrender leave salary together with interest in this Writ Petition.

3. 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.

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 2009-2010 to 2013-2014 together with interest at the rate of 6% per annum payable from the date of her retirement till the date of actual disbursement.

5. 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 August 2022. This Writ Petition stands allowed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)



To

1. The Managing Director,
Tamil Nadu State Transport Corporation (MDU) Limited,
Bye-pass Road,
Madurai - 625 016.

2. The Financial Advisor & CAO,
Tamil Nadu State Transport Corporation (MDU) Limited,
Bye-pass Road,
Madurai - 625 016.

3. The General Manager,
Tamil Nadu State Transport Corporation (MDU) Limited,
Dindigul Region,
Bye-pass Road,
Dindigul.

+1 CC to M/s.S. SIVABALAJI, Advocate (SR-26672[F]
dated 20/06/2022)

W.P. (MD) No.12357 of 2022
20.06.2022

NSN (CO)

GC (04.07.2022) 3P 5C