



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.06.2022

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P. (MD) .No.12841 of 2022

- 1.K.Ramadoss
- 2.R.Nallathambi
- 3.M.Jayachandrasekaran
- 4.T.Manivel
- 5.P.Chinnasamy
- 6.P.Rajendran
- 7.M.Kamaraj
- 8.N.Ravichandran

9.R.Ravi

...Petitioners

Vs

- 1.The Government of Tamil Nadu,
Represented by its Secretary to Government,
Transport Department,
Secretariat,
Chennai - 600 009.
- 2.The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Kumbakonam,
Thanjavur District.
- 3.The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Trichy Region,
Periyamilaguparai,
Trichirappalli District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to settle the petitioner's benefit of encashment of Earned Leave surrendered by the petitioner before the second and third respondents from the year 2010 to till the date of retirement of the



petitioner 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 Respondents : Mr.K.Jagadees Balan,
2&3 Standing Counsel.
For Respondent :Mr.R.Ragavendran, Government Advocate
No.1

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

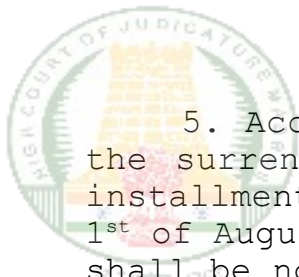
2. Aggrieved against the non-settlement of the surrender leave salary to the petitioners, they have claimed settlement of surrender leave salary together with interest in this Writ Petition.

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 **WP (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 WA(MD)Nos.1883 to 1892 of 2021, dated 04.10.2021.

4. 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 to till the date of retirement of the petitioners, 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 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 partly allowed. There shall be no order as to costs.

WEB COPY

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/07/2022

Sub Assistant Registrar (CS)

Nsr/TM

To

1. The Secretary to Government,
The Government of Tamil Nadu,
Transport Department,
Secretariat,
Chennai - 600 009.
2. The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Kumbakonam,
Thanjavur District.
3. The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Trichy Region,
Periyamilaguparai,
Trichirappalli District.

+1 CC to M/s.K. JAGADEES BALAN, Advocate (SR-27638[F] dated 23/06/2022)

+1 CC to M/s.SPL.GP (SR-28247[F] dated 27/06/2022)

W.P. (MD) .No.12841 of 2022
23.06.2022

MA (CO)

KB (05.07.2022) 3P 6C