

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.09.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17716 of 2022

and

W.M.P.(MD)Nos.12906 and 12907 of 2022

M.Murugesan

... Petitioner

Vs

1.The Government of Tamil Nadu,
Rep by its Secretary to Government,
Transport Department,
Fort St.George,
Chennai – 600 009.

2.The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam, Thanjavur District.

3.The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Trichy Region, Periyamilaguparai,
Trichirapalli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the entire records pertaining to the impugned order dated 01.01.2022 in Ref. TNSTC/KUM/TRY/DS/SM1/16183/2021 passed by the 3rd respondent and quash the same and consequently direct the 3rd respondent to sanction

surrender leave salary for 79.5 days to the petitioner within the time limit that may be fixed by this Court.

For Petitioner : Mr.N.Sudhagar Nagaraj

For Respondents : Mr.A.K.Manikkam,
Spl. Government Pleader for R1.
Mr.K.Jagadees Balan,
Standing Counsel for R2 & R3.

ORDER

Heard the learned counsel on either side.

2.The writ petitioner is a retired employee of the transport corporation. His specific allegation is that he was not disbursed with the surrender leave salary benefit. The petitioner had earlier filed W.P.(MD)No.16183 of 2021. This Court vide order dated 09.09.2021 directed the respondent to pass order on the petitioner's representation dated 31.07.2021 in the light of the judgment passed in W.A.(MD)No.1138 of 2019. The grievance of the writ petitioner is that even pursuant to the said direction, the employer has not paid his surrender leave salary benefit. The petitioner would further argue that the respondents is deliberately confusing the issue between earned leave salary and surrender leave salary benefits.

3.When the matter was taken up for hearing, I posed a specific question to the respondents as to whether the petitioner is entitled to surrender leave salary or not. The answer is in the affirmative. The respondents categorically state that the petitioner was having to his credit total number of 79 days towards surrender leave. The respondents 2 and 3 are directed to quantify the amount payable to the writ petitioner and pay the same within a period of twelve weeks from the date of receipt of a copy of this order.

4.The writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

16.09.2022

Index : Yes / No
Internet : Yes/ No
ias

To:-

The Principal Secretary,
Transport Department,
Fort St.George,
Chennai – 600 009.

W.P(MD)No.17716 of 2022

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.17716 of 2022

16.09.2022