



WP(MD)No.18494 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.08.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P.(MD)No.18494 of 2022

P.Sittarthan

... Petitioner

/vs./

The Management of
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Karaikudi Region,
Represented by its Managing Director,
Karaikudi.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to pay the petitioner the amount towards the encashment of 39 days of earned leaves surrendered by him in the years from 2013 to 2015 before his retirement either based on his monthly wages of the respective months of surrender of those earned leaves, together with 18 percent interest p.a. from the respective due dates or based on the monthly wages payable on the month of his retirement, together with 18 percent interest from the date of his retirement, within a time frame as may be fixed by this Court.



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For Petitioner : Mr.S.Arunachalam
For Respondent : Mr.K.Jagadees Balan
Standing Counsel

ORDER

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, he 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 **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



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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 petitioner herein would be entitled for claim of surrender leave salary for the eligible amount in respect of the years 2013 - 2015, together with interest at the rate of 6% per annum payable from the date of his retirement till the date of actual disbursement.



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M.S.RAMESH, J.

Rmk

5. Accordingly, the respondent herein is directed to disburse the surrender leave salary as ordered above, in six equal monthly installments, whereby the first installment shall commence from 1st of October, 2022. This Writ Petition stands partly allowed. There shall be no order as to costs.

16.08.2022

Index : Yes / No

Internet : Yes / No

Rmk

To:

The Management of
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Karaikudi Region,
Represented by its Managing Director,
Karaikudi.

Order made in
W.P.(MD)No.18494 of 2022