



WP(MD)No.19354 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.08.2022**

CORAM:

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

W.P.(MD)No.19354 of 2022

G.Senthilvel

... Petitioner

/vs./

1.The Government of Tamil Nadu,
Represented by its Secretary to Government,
Transport Department, Secretariat,
Chennai-600009.

2.The General Manager,
Tamilnadu State Transport Corporation
(Covai) Limited, Erode Region, Erode.

3.The Branch Manager,
Tamilnadu State Transport Corporation
(Covai) Limited, Erode Region, Karur Branch,
Thirumanilayur, Karur (Town).

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to settle the petitioner's benefit of encashment of Earned Leave surrendered by petitioners before the 2nd and 3rd respondents from the year 2010 to till the date of retirement of the



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petitioner with interest at 18 percent as per the 1998 Wage Settlement Effect under Section 12 (3) of ID Act, 1947.

For Petitioner : Mr.N.Sudhagar Nagaraj

For Respondents : Mr.R.Ragavendran for R1

Government Advocate

Mr.K.Jagadees Balan for R2 and R3

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



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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 petitioner herein would be entitled for claim of surrender leave salary for the eligible amount in respect of the years 2010-2019, together with interest at the rate of 6% per annum



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payable from the date of his retirement till the date of actual disbursement.

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.

24.08.2022

Index : Yes / No

Internet : Yes / No

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M.S.RAMESH, J.

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Order made in
W.P.(MD)No.19354 of 2022

Dated:
24.08.2022