



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.09.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.22370 of 2022

1. C.Balu,
Staff No.79 TH 119/79 TH 1012,
Foreman – Retd.
 2. T.Kaliyamoorthy,
Staff No.85 DR 1062,
Special Grade Driver – Retd.
 3. S.Manoharan,
Staff No.89 DR 1160,
Special Grade Driver – Retd.
- ... Petitioners

Vs.

1. The Managing Director,
Tamil Nade State Transport
Corporation (Kumbakonam) Ltd.,
Kumbakonam,
Thanjavur District.
 2. The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Kumbakonam,
Thanjavur District.
- ... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to settle the petitioners' benefit of encashment of Earned Leave surrendered by the petitioners



before the 1st and 2nd respondents from the year 2010 till the date of retirement of the petitioners with interest @ 18% as per the 1998 Wage Settlement Effect under Section 12 (3) of the Industrial Disputes Act, 1947.

For Petitioner : Mr.N.Sudhagar Nagaraj

For Respondents: Mr.K.Jagadees Balan,
Standing Counsel.

* * *

ORDER

Heard the learned counsel on either side.

2. The writ petitioners were employees of the respondent corporation. All of them had retired. Their grievance is that they are entitled to surrender their earned leave and encash them. But from the year 2010 onwards the employees were not even permitted to surrender their earned leave. The petitioners want the said surrender leave salary to be paid to them. No exception can be taken to the said request.



3. Similar issue came up in ***W.P.(MD)No.19354 of 2022 (G.Senthilvel V. The Secretary to Government, Government of Tamil Nadu, Transport Department, Chennai)*** vide Order dated 24.08.2022, a learned Judge of this Court has held as follows:-

“ 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



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

4. Adopting the very same approach, I direct the respondent Corporation to settle the monetary equivalent of the surrender leave salary to the respective petitioners



together with interest at the rate of 6% per annum payable from the date of their retirement till the date of actual disbursement within a period of twelve weeks from the date of receipt of a copy of this order. This Writ Petition stands allowed. No costs.

22.09.2022

Index : Yes / No

Internet : Yes/ No

PMU

To:

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