



W.P(MD)No.24204 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.10.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24204 of 2022

D.C.David Jabagnanam Joshva

... Petitioner

Vs

The Management of
Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Trichy Region,
Represented by its General Manager,
Trichy.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to pay the petitioner the amount towards the encashment of 23 days of earned leave surrendered by him in the years 2017 and 2018 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 wage 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.



W.P(MD)No.24204 of 2022

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

ORDER

Heard the learned counsel on either side.

2.The writ petitioner was an employee of the respondent corporation. He had retired. His grievance is that he is entitled to surrender his earned leave and encash them. But from the year 2017 onwards, he was not even permitted to surrender his earned leave. The petitioner wants the said surrender leave salary to be paid to him. No exception can be taken to the said request.

3.When 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



W.P(MD)No.24204 of 2022

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 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 petitioner together with interest at the rate of 6% per annum payable from the date of his



W.P(MD)No.24204 of 2022

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.

20.10.2022

Index : Yes / No
Internet : Yes/ No
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To

The General Manager,
Management of Tamil Nadu State Transport Corporation
(Kumbakonam) Limited,
Trichy Region,
Trichy.



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W.P(MD)No.24204 of 2022

G.R.SWAMINATHAN, J.

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W.P(MD)No.24204 of 2022

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