



W.P(MD)No.27003 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27003 of 2022

S.Krishnamoorthy

... Petitioner

Vs.

The General Manager,
Tamilnadu State Transport Corporation (Madurai) Ltd.,
Madurai Region, Madurai.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of of Mandamus, to direct the respondent to settle the petitioner's earned leave wages for 125.5 days with reasonable rate of interest within the time that may be stipulated by this Court.

For Petitioner : Mr.G.M.Xavier

For Respondent : Mr.Gladson Micheal Rajadurai,
Standing Counsel.

ORDER

Heard the learned counsel on either side.



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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 of 125.5 days and encash them. 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 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



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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 for 125.5 days to the petitioner within a period of eight weeks from the date of receipt of a copy of this order. However, I decline request for payment of interest because the writ petitioner has come to this Court only now. If the respondent fails to disburse the earned leave wages within the time limit stipulated by this Court, it will carry interest thereafter at the rate of 6% per annum.



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5.The writ petition is disposed of accordingly. No costs.

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Index : Yes / No

Internet : Yes/ No

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