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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2023

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.9055 of 2023

M. Venkatachalam
(Staff No. 10186) ...Petitioner

Vs

Tamilnadu State Transport
Corporation (Kovai) Ltd.,
Rep. by its Managing Director,
37, Mettupalayam Road,
Coimbatore ...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to pay the petitioner Rs. 22,086/- payment towards the encashment of 30 days of earned leave surrendered by the petitioner in the years before his retirement, as admitted by the Respondent, in their RTI reply, based on the petitioner's monthly wages of the respective months of surrender of those earned leave, together with 18% interest p.a from the respective due dates or based on the monthly wages payable to the petitioner in the month of his retirement together with 18% interest p.a from the respective due dates of based on the monthly wages payable to the petitioner in the

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month of his retirement, together with 18% interest from the date of his retirement.

For Petitioner : Mr.R. Krishnaswamy

For Respondent : Mr.A.Vinoth Raja
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

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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. This Court while rendering Judgment in an identical issue in W.P.No.5822 of 2023 vide order dated 28.02.2023 has also issued a direction to the Respondent/ Transport Corporation to settle the surrender leave salary together with interest at the rate of 6% per annum from the

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date of his retirement till the date of actual disbursement, in six equal monthly installments.

5. 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, together with interest at the rate of 6% per annum payable from the date of his retirement till the date of actual disbursement.

6. In the light of the above observations, 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 April, 2023. Accordingly, the Writ Petition stands ordered. No costs.

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Index:Yes/No
Speaking order/Non-speaking order
smn

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To

Tamilnadu State Transport
Corporation (Kovai) Ltd.,
Rep. by its Managing Director,
37, Mettupalayam Road,
Coimbatore

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V.BHAVANI SUBBAROYAN,J.

smn

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