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W.P.No.13338 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.13338 of 2023

K.P. Loganathan

... Petitioner

Vs.

The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Erode Region, Chennimalai Road,
Erode – 638 001.

... 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 admitted amount of Rs.36,508/- payable towards the encashment of earned leaves, surrendered by the petitioner along with 18% interest p.a. within a time frame as may be fixed by this Court.

For Petitioner : Mr.N. Senthil Kumar

For Respondents : Mr.M.Murali Vinodh,
Government Advocate



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ORDER

With the consent of both the 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 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



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



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5. In the instant case, the respondent through a query raised by the petitioner under the Right to Information Act had admitted that a sum of Rs.36,508/- is due towards encashment of surrendered earned leaves.

6. In the light of the above observations and findings, there shall be a direction to the respondent to forthwith pay a sum of Rs.36,508/- along with 6% interest from the date on which it was due till the date of actual disbursement, within a period of four (4) weeks from the date of receipt of a copy of this order.

7. Accordingly, the Writ Petition stands allowed. No costs.

01.06.2023

Index: Yes/No

Speaking order/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

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To

The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Erode Region, Chennimalai Road,
Erode – 638 001.



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M.S.RAMESH,J.

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