



WEB COPY



W.P.No.15752 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2023

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THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P.No.15752 of 2021

P.Selvakumar

... Petitioner

Vs.

1. The Tamil Nadu State Transport Corporation
(Salem) Limited,
Represented by its Managing Director,
Ramakrishna Road,
Salem.
2. The General Manager,
The Tamil Nadu State Transport Corporation
(Salem) Limited,
Salem Region, Ramakrishna Road,
Salem.
3. The Chief Financial Advisor cum Chief Accounts Officer,
The Tamil Nadu State Transport Corporation
(Salem) Limited,
Ramakrishna Road,
Salem.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
to issue a Writ of Mandamus, directing the respondents to settle the
surrender leave salary of 120 days to the petitioner for the years 2010 to



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2018 together with interest at the rate of 18% per annum payable from the date of retirement till the date of actual payment.

For Petitioner : Mr.D.Senthilkumar
For Respondents : Mr.R.Babu,
Standing counsel for TNSTC
for R1 & R2
Mr.C.S.K.Sathish
for R3

ORDER

The petitioner has filed this Writ Petition seeking to issue a direction to the respondents to settle the surrender leave salary of 120 days to the petitioner for the years 2010 to 2018 together with interest at the rate of 18% per annum payable from the date of retirement to till the date of actual payment.

2. Heard Mr.D.Senthilkumar, learned counsel for the petitioner, Mr.R.Babu, learned Standing counsel for R1 & R2 and Mr.C.S.K.Sathish, learned counsel appearing for the third respondent.

3. The petitioner was appointed as an Assistant Engineer in the Tamil Nadu State Transport Corporation on 12.09.1980 and retired from



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service on 31.05.2018. The grievance of the petitioner is that even after his retirement, the respondents have not settled the surrender leave salary and therefore, the petitioner claims the disbursement of the surrender leave salary along with interest.

4. Learned counsel for the petitioner attracted the attention of this Court to similar such orders made in W.P(MD).No.22 of 2021 to canvass his point that awarding interest for the delay in settlement is considered and approved by this Court every now and then. The relevant portion of the said order is extracted hereunder :-

" 8.In all the decisions cited by the learned Standing Counsel, both the Division Bench, as well as the learned Single Judges, there is no discussion with regard to the non entitlement of the interest. Since there is no dictum laid down in any of the decisions to the effect that the employees will not be entitled for interest on belated payment of earned leave, I am unable to accept these submissions made by the learned Standing Counsel.

9.Accordingly, there shall be a direction to the respondents herein to settle the surrender leave salary



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for 137 days, in respect of the years 2011-2012, 2012-2013, 2013-2014, 2014-2015, 2015-2016, 2016-2017 and 2017-2018, together with interest at the rate of 6% per annum from the date of retirement till the date of actual disbursement. The respondents 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."

5. The above rationale is applicable to the facts in hand, wherein, the petitioner is entitled to get surrender leave salary with interest.

6. Taking into consideration of the above aspects, I feel that the petitioner should be properly compensated by way of giving interest for the period during which the delay was made in settling the surrender leave salary.

7. Accordingly, there shall be a direction to the respondents herein to settle the surrender leave salary for 120 days, in respect of the years from 2010 to 2018, together with interest at the rate of 4% per annum from the date of retirement till the date of actual disbursement, within a period of **six weeks** from the date of receipt of a copy of this order.



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8. With these observations, this Writ Petition stands disposed of.

No costs.

10.10.2023

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Index : Yes / No

Speaking / Non-speaking

Neutral Citation : Yes / No

To

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R.N.MANJULA, J.

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