



WEB COPY



W.P.No.15634 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2023

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THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P.No.15634 of 2021

S.Kalidasan

.. Petitioner

Vs.

1.The Tamil Nadu State Transport Corporation
(Salem) Limited,
Rep 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 is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents to settle the



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petitioner's surrender leave salary for 135 days for the year from 2010 to 2019, together with interest at the rate of 18% per annum payable from the date for retirement to till the date of actual payment.

For Petitioner : Mr.Ilamvaludhi for
Mr.D.Senthilkumar
For Respondents : Mr.R.Babu 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 petitioner's surrender leave salary for 135 days for the year from 2010 to 2019, together with interest at the rate of 18% per annum payable from the date for retirement to till the date of actual payment.

2. Heard Mr.Ilamvaludhi, 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 a Conductor in the Tamil Nadu State Transport Corporation on 22.05.1987 and retired from service on



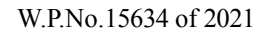
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31.05.2019. The grievance of the petitioner is that even after his retirement, the respondents have not settled the surrender leave salary and therefore, the petitioner claims the disbursement of the surrender leave salary along with interest.

4. Learned counsel for the petitioner attracted the attention of this Court to the orders made in W.P(MD).No.22 of 2021 in a similar such case 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



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 1 st Installment shall commence from 1st of March 2021."

5. 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 his surrender leave salary.

6. Hence, there shall be a direction to the respondents herein to settle the surrender leave salary for 135 days, in respect of the years from 2010 to 2019, together with interest at the rate of 4% per annum to the petitioner from the date of retirement till the date of actual disbursement, within a period of three months from the date of receipt of a copy of this order.



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WEB COPY 7. Accordingly, this Writ Petition is disposed. No costs.

17.10.2023

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Index : Yes / No

Internet: Yes

To

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The Tamil Nadu State Transport Corporation
(Salem) Limited,
Ramakrishna Road,
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2. The General Manager,
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R.N.MANJULA, J.

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