



W.P(MD)No.9252 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.06.2023

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.9252 of 2023

K.Ameerhamsa

... Petitioner

**Vs.**

1.The Managing Director,  
Tamil Nadu State Transport Corporation ( KMB) Ltd.,  
New Railway Station Road,  
Kumbakonam-612 001.

2.The General Manager,  
Tamil Nadu State Transport Corporation (KMB) Ltd.,  
Karaikudi Region,  
Managiri Post,  
Maruthapathi,  
Karaikudi,  
Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to settle the petitioner's surrender leave salary for 86 days in respect of the years 2011-2012, 2012-2013, 2013-2014, 2014-2015, 2015-2016, 2016-2017, 2017-2018 and 2018-2019 together with interest at the rate of 18% per annum payable from the date of retirement to till the date of actual payment.



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For Petitioner : Mr.K.Gokul

For Respondents : Mr.K.Jagadeesbalan  
Standing Counsel

**ORDER**

Heard the learned counsel on either side.

2. The petitioner was employed as driver in the respondent corporation. He retired from service on 30.06.2019. When he retired, he had 86 days of earned leave to his credit.

3. It is well settled that an employee having earned leave to his credit is entitled to surrender the same and claim its monetary equivalent. The grievance of the petitioner is that since 2009 to 2020, the employees of the respondent corporation were not allowed to surrender earned leave and encash the same. It is now sought to be claimed.

4. 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



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learned Judge of this Court has held as follows:-

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“ 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 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



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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. ”

5. Adopting the very same approach, I direct the respondent corporation to quantify the surrender leave arrears payable to the petitioner for the petition mentioned period and pay the same to the petitioner within a period of twelve weeks from the date of receipt of a copy of this order. If the amount is paid within the said period, it will not carry interest. If the respondents fail to pay the said amount within the time limit, it will carry interest at the rate of 6% per annum from the date of the petitioner's retirement.

6. The Writ Petition is allowed accordingly. No costs.

**02.06.2023**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes/ No  
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**G.R.SWAMINATHAN, J.**

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