



W.P(MD)No.9365 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.9365 of 2023

G.Viswanathan

... Petitioner

Vs.

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

2.The General Manager,
Tamil Nadu State Transport Corpn., (KMB) Ltd.,
Pudukkottai Region, Thirumayam Road,
Pudukkottai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to settle the petitioner's surrender leave salary for 213 days in respect of the years 2011-2012, 2012-2013, 2013-2014, 2014-2015, 2015-2016, 2016-2017, 2017-2018, 2018-2019 and 2019-2020 together with interest at the rate of 18 percent 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.Jagadees Balan,
Standing Counsel.

ORDER

Heard the learned counsel on either side.

2.The petitioner was employed as Clerk. He was retired from service as Special Grade Assistant on 31.08.2020. He had 213 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



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Nadu, Transport Department, Chennai) vide Order dated 24.08.2022, a

learned Judge of this Court has held as follows:-

*“ 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**.*



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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 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 within a period of twelve weeks from the date of receipt of a copy of this order. This writ petition stands allowed on these terms. No costs.

06.06.2023

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

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