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W.P.(MD)NO.15147 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 26.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.15147 of 2023

S.Viswanathan

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation(KMB) Ltd.,
27, 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 is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to settle his surrender leave salary for 135 days in respect of the years 2011-2012, 2012-2013, 2013-2014, 2014-2015, 2015-2016, 2016-2017, 2017-2018, 2018-2019, 2019-2020, 2020-2021 and 2021-2022 together with interest at the rate of 18% per annum payable from the date of retirement to till the date of actual payment.

For Petitioner : Mr.K.Gokul

For Respondents : Mr.K.Ramaiah,
Standing counsel.

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ORDER

Heard the learned counsel on either side.

2. The petitioner was employed as Driver. He retired from service as Driving Instructor on 31.08.2022. He had 135 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 2011 to 2022, 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 learned Judge of this Court has held as follows:-

“ 3. In an identical circumstance, when a similarly placed



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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

WEB COPY 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 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 together with interest at the rate of 6% per annum payable from the date of the petitioner's retirement till the date of actual disbursement 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.

26.06.2023

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

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