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W.P.(MD)NO.15161 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.15161 of 2023

E.Selvaraj

... Petitioner

Vs.

1. The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Rep. by its Managing Director,
Kumbakonam.

2. The General Manager,
Tamil Nadu State Transport
Corporation (KMB) Ltd.,
Kumbakonam Region,
Kumbakonam.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay the petitioner's surrender leave salary for 135 days for the years 2011-2022 together with interest at the rate of 18%t per annum from the date of the petitioner retirement to till the date of disbursement within the time that may be stipulated by this Court.

For Petitioner : Mr.K.A.S.Prabhu

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

* * *

**ORDER**

Heard the learned counsel on either side.

2. The petitioner was employed as Security Seargent. He retired from service on 31.07.2022. 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 employee had sought for payment of his surrender leave salary



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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 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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To:

1. The Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Rep. by its Managing Director,
Kumbakonam.
2. The General Manager,
Tamil Nadu State Transport Corporation (KMB) Ltd.,
Kumbakonam Region,
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G.R.SWAMINATHAN,J.

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