



W.P.(MD).No.20192 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2023

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.20192 of 2023

S.R.Thamizh Mani

... Petitioner

Vs

The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
No.27, New Railway Station Road, Kumbakonam.
Thanjavur District – 612 001.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to pay encashment for petitioner 53 days earned leave, which was standing to his credit, at the time of retirement along with interest @ 18 % per annum to the petitioner for the payment of Earned Leave Salary, from the date petitioner's retirement to till the date of actual payment.

For Petitioner : Mr.P.Joseph Raj

For Respondents : Mr.C.Ramaiah
Standing Counsel



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ORDER

The present writ petition has been filed seeking direction to the respondent to pay encashment for petitioner 53 days earned leave, which was standing to his credit, at the time of retirement along with interest @ 18 % per annum to the petitioner for the payment of Earned Leave Salary, from the date petitioner's retirement to till the date of actual payment.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. The petitioner was employed as Junior Assistant. He reached the level of service Superintendent and retired from service on 31.07.2022. He had 53 days of earned leave to his credit.

4. It is well settled that the 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 2011-2019, the employees of the



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respondent corporation were not allowed to surrender earned leave and encash the same. It is now sought to be claimed.

5. The issue raised in this writ petition was already decided by this Court vide order, dated 22.09.2022 in ***W.P(MD)No.21121 of 2022 (R.Anusam Vs. The Managing Director, Tamil Nadu State Transport Corporation (KMB) Ltd.,)***. The relevant portion of which is extracted as follows:

“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 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



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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 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. "

6. 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 petitioner's retirement till the date of actual disbursement within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. This Writ Petition stands disposed of on these terms. There shall be no order as to costs.

18.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM



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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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