



W.P.(MD).No.23045 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.23045 of 2023

K.Gunasekaran

... Petitioner

Vs

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

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

... 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 petitioner's surrender leave salary of Rs.1,12,000/- for 71 days together with interest at the rate of 6 percent per annum payable from the date of his retirement to till the date of actual payment.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.K.Ramaiah
Standing Counsel



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ORDER

The present writ petition has been filed seeking direction to the respondents to settle petitioner's surrender leave salary of Rs.1,12,000/- for 71 days together with interest at the rate of 6 percent per annum payable from the date of his 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 Driver on 10.06.1998 in the respondent Corporation. He retired from service on 31.01.2020. He had 304 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 2009, the employees of the respondent corporation were not allowed to surrender earned leave and encash the same. It is now sought to be claimed.



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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 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. ”

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.

21.09.2023

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



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To

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1. The Managing Director,
Tamil Nadu State Transport Corporation (KMB) Ltd.,
Kumbakonam 612 001.
2. The General Manager,
Tamil Nadu State Transport Corporation (KMB) Ltd.,
Kumbakonam Region, Nagapattinam.



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L.VICTORIA GOWRI, J.

PNM

**ORDER IN
W.P.(MD).No.23045 of 2023**

21.09.2023