



W.P.No.4855 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.4855 of 2024

R.Thangaraju

... Petitioner

-Vs-

The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Limited,
No.12 Ramakrishna Road,
Salem – 636 007.

... Respondent

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to settle the petitioner's surrender leave salary for 197 days for the year from 2010 to 2018 Rs.3,79,661/- together with interest at the rate of 12% per annum payable from the date of retirement to till the date of actual payment.

For Petitioner : Mr.N.Desinghu

For Respondent : Mr.K.Raja
Standing Counsel



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ORDER

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This writ petition has been filed for direction directing the respondents to settle the petitioner's surrender leave salary for 197 days for the year from 2010 to 2018 Rs.3,79,661/- together with interest at the rate of 12% per annum payable from the date of retirement to till the date of actual payment.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner had joined as Helper in the erstwhile, Anna Transport Corporation, Salem, now renamed as Tamil Nadu State Transport Corporation (Salem) Limited. Thereafter, the petitioner had retired from service, on 30.04.2018. At the time of his retirement, he was serving as Senior Tradesman in the first respondent Corporation. However, his terminal benefits like Provident Fund, Gratuity, Earned Leave Salary and commutation amount were paid belatedly. He was not disbursed with Earned Leave surrender salary in the years 2010-2018,



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surrender Leave Salary for 197 days, due to financial crisis faced by the Corporation. On the date of his retirement, he was allowed to encash the monetary value equivalent to 240 days only. He was not permitted to encash Earned Leave for a period of 15 days from the years 2010-2018. The employees of the respondent Corporation were provided with the earned leave encashment benefit vide settlement signed under Section 12(3) of Industrial Disputes Act dated 13.02.1999 followed by G.O.Ms.No.163, Transport Department, dated 21.05.1999. Accordingly, regular employee earns earned leave at the rate of two and half days for each completed calendar month of service subject to maximum of 30 days per year. Therefore, the petitioner submitted a representation on 05.02.2024 and the same was not considered.

4. Considering the above facts and circumstances of the case, the respondent is directed to consider the claim of the petitioner with applicable interest, if the petitioner is entitled for the same, within a period of eight weeks from the date of receipt of a copy of this order.



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5. With the above directions, this writ petition is disposed of.

There shall be no order as to costs.

27.02.2024

(2/2)

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

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To

The Managing Director,
Tamil Nadu State Transport
Corporation (Salem) Limited,
No.12 Ramakrishna Road,
Salem – 636 007.



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G.K.ILANTHIRAIYAN. J.

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