



W.P. No.6958 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2024

Coram:

THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

W.P. No.6958 of 2020

V.Lakshmi Narayanan

... Petitioner

Vs.

1. The Additional Chief Secretary to Government
Transport Department
Secretariat, Chennai - 600 009

2. M/s. Tamil Nadu State Transport
Corporation (Kum) Ltd.,
Rep. by its Managing Director
Railway Station New Road,
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 settle the amount towards surrender of 105 days of Earned Leave surrendered for the year 2010 to 2017 in the light of the orders passed by the Madurai Division Bench of this Court in W.A.(MD) No.793 to 810, 812 to 817, 820 to 825, 828, 830 to 837 of 2019 dated 24.09.2019 with 6% interest by considering the petitioner's representation dated 22.11.2018.



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For Petitioner : Mr.S.Gowsik Sundar

For Respondents : Mr.A.M.Ayyadurai
Government Advocate for R1
Mr.C.Senapathi for R2

ORDER

This Writ Petition has been filed by the petitioner to direct the respondents to settle the amount towards 105 days of Earned Leave surrendered by the petitioner for the period 2010 to 2017.

2. The learned counsel for the petitioner would submit that the petitioner joined as Junior Clerk in the 2nd respondent Transport Corporation during 1981 and he was confirmed in the post with effect from 01.08.1989. The learned counsel further submitted that though the petitioner submitted an application for surrender of Earned Leave for the period 2010 to 2017, the 2nd respondent did not settle the amount for 105 days of surrendered Earned Leave. The learned counsel further contended that in a similar case, the Division Bench of this Court in W.A (MD) No.793 to 810, 812 to 817, 820 to



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825, 828, 830 to 837 of 2019 dated 24.09.2019, directed the respondent/State Transport Corporation to pay the amount with 6% interest. It is the submission of the learned counsel for the petitioner that their case is also covered by the above judgment and hence, he prayed to direct the respondents to pass appropriate orders in line with the decisions of the Division Bench of this Court.

3. The learned counsel for the respondents would submit that the surrender of Earned Leave for 15 days every year would be reimbursed only when the individual employee submits the application for surrender of Earned Leave, whereas, in this case, the petitioner did not submit any application. Further the petitioner's statutory entitlement for reimbursement of 240 days of Earned Leave has already been paid to the petitioner and therefore, the petitioner is not entitled to any settlement of amount over and above 240 days.

4. Heard both sides and perused the materials available on record.



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5. The sum and substance of the instant writ petition is that, whether the petitioner is entitled for settlement of amount towards 105 days of surrendered Earned Leave for the period 2010 to 2017.

6. It is the submission of the learned counsel for the petitioner that in a similar case, the Division Bench of this Court has directed the respondent/State Transport Corporation to pay the Earned Leave amount. Even according to the prayer in the writ petition, the petitioner only seeks a direction to the respondents to consider the petitioner's representation in accordance with the judgment of the Division Bench of this Court passed in W.A (MD) No.793 to 810, 812 to 817, 820 to 825, 828, 830 to 837 of 2019 dated 24.09.2019.

7. It is the submission of the learned counsel for the respondents that the petitioner did not submit any application for surrender of Earned Leave.

8. However, considering the limited prayer of the petitioner seeking a direction to the respondents to consider the petitioner's representation in



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accordance with the judgment of the Division Bench of this Court passed in W.A (MD) No.793 to 810, 812 to 817, 820 to 825, 828, 830 to 837 of 2019 dated 24.09.2019, this Court deems it appropriate to allow this Writ Petition.

9. Accordingly, the respondents are directed to consider the representation of the petitioner dated 22.11.2018 in accordance with the judgment of the Division Bench of this Court passed in W.A (MD) No.793 to 810, 812 to 817, 820 to 825, 828, 830 to 837 of 2019 dated 24.09.2019 and pass appropriate orders according to its own merits, within a period of eight weeks from the date of receipt of a copy of this order.

10. With the above directions, this Writ Petition is allowed. There shall be no order as to costs.

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Index : Yes / No

Neutral Citation Case : Yes/No



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C.KUMARAPPAN. J.

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