



W.P.No.25486 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.25486 of 2024

K.Thangaraju, (Rtd. Staff No.ASO144)

.. Petitioner

Vs.

**1.The Additional Chief Secretary,
Transport Department,
Fort St. George,
Chennai – 600 009.**

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

**3.The General Manager,
Tamil Nadu State Transport Corporation (Salem) Limited,
Salem Region,
Salem.**

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to pay the payment of difference amount of earned leave salary EL & ML, surrender leave salary along with interest of belated period and considering the petitioner's representation dated 25.07.2024.



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For petitioner : Mr.N.Desinghu
For R1 : Mr.P.Balathandayutham
Special Government Pleader
For RR 2 & 3 : Mr.K.Raja
Standing Counsel

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the respondents to pay the payment of difference amount of earned leave salary EL & ML, surrender leave salary along with interest of belated period and considering the petitioner's representation dated 25.07.2024.

2.The case of the petitioner is that he joined as Junior Assistant in the Annai Sathiya Transport Corporation (Salem) Ltd., on 01.04.1985 and he retired from his services on 03.01.2017 under VRS.

3.The grievance of the petitioner is that at the time of his retirement, the gratuity and earned leave salary were paid to the petitioner as per the last drawn pre-revised salary. But, the arrears was not paid for the post-revised salary after retirement. It is the further case



of the petitioner that as per G.O.Ms.No.142, Transport (E) Department, dated 26.08.2019, the petitioner is eligible to get the amount of difference in earned leave salary, gratuity and commutation after post revised salary. Hence, the petitioner sent representation dated 25.07.2024 to the 2nd respondent seeking to take steps to settle the difference amount of earned leave salary EL & ML, surrender leave salary along with interest of belated period. Since the same did not evoke any response, the petitioner has come with the present writ petition for the relief sought for above.

4.Heard the learned counsel for the petitioner, learned Special Government Pleader for the 1st respondent and the learned Standing Counsel for the respondents 2 & 3.

5.Taking into consideration the facts and circumstances of the case and the materials available on record, this writ petition is disposed of with a direction to the 3rd respondent Corporation to pay the permissible amount with interest at the rate of 6% per annum for the delay period from 03.01.2017 in settling the difference amount of earned leave salary EL & ML, surrender leave salary. This payment shall be made within a



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period of six (6) weeks from the date of receipt of a copy of this order. It is made clear that if the amount is not paid within the time frame fixed by this Court, it will fetch an interest at the rate of 12% per annum from the date on which the amount became due and payable till the date of actual realisation.

6.The petitioner is directed to submit a fresh representation to the 3rd respondent along with a copy of this order. No costs.

04.09.2024

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

- 1.The Additional Chief Secretary,
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Fort St. George, Chennai – 600 009.
- 2.The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Limited,
No.12, Ramakrishna Road, Salem – 636 007.
- 3.The General Manager,
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Salem Region, Salem.



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N.ANAND VENKATESH, J.

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