



W.P.(MD).No.221 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.01.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.221 of 2024

R.Rameshbabu

... Petitioner

Vs

The Management Of,
Tamilnadu State Transport Corporation (Kumbakonam) Limited,
Trichy Region,
Rep. by its General Manager,
Trichy.

... 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 the petitioner the amount payable towards the encashment of 89 days of earned leave, surrendered by him in the years before his retirement, as admitted by the respondent in the settlement of account, dated 04.01.2023, either based on his monthly wages of the respective months of surrender of those earned leaves, together with 18 percent interest per annum from the respective due dates or based on the monthly wages payable on the month of his retirement, together with 18 percent interest from the date of his retirement, within a time frame as may be fixed by this Court.



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For Petitioner : Mr. S. Arunachalam
For Respondent : Mr.K.Jegadeesh Balan
Standing Counsel

ORDER

The present writ petition has been filed seeking direction to the respondent to pay the petitioner the amount payable towards the encashment of 89 days of earned leave, surrendered by him in the years before his retirement, as admitted by the respondent in the settlement of account, dated 04.01.2023, either based on his monthly wages of the respective months of surrender of those earned leaves, together with 18 percent interest per annum from the respective due dates or based on the monthly wages payable on the month of his retirement, together with 18 percent interest from the date of his retirement, within a time frame as may be fixed by this Court.

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 Conductor by the respondent Corporation on 20.12.1986. He retired from service on 30.11.2022. Though his



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retirement benefits were paid belatedly, he has not paid for the 89 days of earned leave till date.

4. The grievance of the petitioner is that though the respondent has admitted in the settlement of account, dated 04.01.2023, the amount of Rs. 83,314/- is required to be paid to the petitioner for 89 days of earned leave, already surrendered by him, but failed to do so. 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,



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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.

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 as admitted in the settlement of account, dated 04.01.2023, to pay the surrender leave arrears to the petitioner towards the encashment of 89 days of earned leave, surrendered by him in the years before his retirement and pay the same together with interest at the rate of 6% per annum, 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.

08.01.2024

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



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To

1. The General Manager,
The Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
Trichy Region, Trichy-620 001.



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L.VICTORIA GOWRI, J.

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ORDER IN
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