



W.P.(MD).No.4940 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.4940 of 2024

N.Ilavarasan

... Petitioner

Vs.

The Management of Tamil Nadu
State Transport Corporation (Kumbakonam) Ltd.,
Pudukottai Region,
Represented by its Managing Director,
Pudukottai.

... 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 126.5 days of earned leaves, surrendered by him in the years from 2011 to 2019 before the petitioner's retirement, either based on his monthly wages of the respective months of surrender of those earned leaves, together with 18% interest p.a. from the respective due dates or based on the monthly wages payable on the month of his retirement, together with 18% interest from the date of his retirement, within a time frame as may be fixed by this Court.

For Petitioner : Mr.S.Arunachalam



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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 126.5 days of earned leave, surrendered by him in the years from 2011 to 2019 before the petitioner's retirement, either based on his monthly wages of the respective months of surrender of those earned leaves, together with 18% interest p.a. from the respective due dates or based on the monthly wages payable on the month of his retirement, together with 18% interest from the date of his retirement, within a time frame as may be fixed by this Court.

2. By consent of both the parties, this writ petition is taken up for hearing at the stage of admission itself.

3. The petitioner was employed as Driver. He retired from service as Selection Grade Driver on 30.04.2020. He had 126.5 days of earned leave to his credit.



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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 2011-2022, the employees of the respondent corporation were not allowed to surrender earned leave and encash the same. It is now sought to be claimed.

5. The issue raised in this writ petition has already been 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 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



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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.

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.



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7. This Writ Petition stands disposed of. No costs.

04.03.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes/ No

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To

The Managing Director,
The Management of Tamil Nadu
State Transport Corporation (Kumbakonam) Ltd.,
Pudukottai Region,
Pudukottai.



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L.VICTORIA GOWRI, J.

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