



W.P.(MD).No.17153 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.07.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.17153 of 2024

S.Kumaraguru

... Petitioner

Vs

1. The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
No.27, New Railway Station Road,
Kumbakonam, Thanjavur District - 612 001.

2. The General Manager,
Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Kumbakonam Region,
No.140, Public Office Road,
Velipalayam, Nagapattinam-611 001.
Nagapattinam Regional Office.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to pay encashment of surrender leave salary for the periods from 2011-2019 for 135 days surrender leave differences based on the salary on the date of the petitioner's retirement of current salary which was standing to the petitioner's



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credit at the time of retirement along with 18% interest from the date of retirement till date of payment.

For Petitioner : Mr.P.Manoharan

For Respondents : Mr.K.Ramaiah
Standing Counsel

ORDER

Heard Mr.P.Manoharan, learned counsel for the petitioner and Mr.K.Ramaiah, learned Standing Counsel, for the respondents.

2.This writ petition has been filed seeking direction to the respondents to settle petitioner surrender leave salary for 135 days in respect of the years 2011 -2019 together with 18% interest from the date of retirement till date of payment.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

4. The petitioner was employed as a Clerk in the respondent Corporation. He had retired from service on 31.05.2024. At that time, he had 135 days of earned leave to his credit.



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5. 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 though the petitioner has 135 days surrender leave to his credit for the period from 2011 to 2019, the respondent Corporation paid a sum of Rs.1,22,225/- instead of Rs.2,02,500/- and the difference fell to the tune of Rs.80,725/-. It is now sought to be claimed.

6. 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



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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, 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. "

7. Adopting the very same approach, this writ petition is **disposed of** and the respondent Corporation is directed to pay the differential benefits in respect of encashment of Surrender Leave within a period of twelve(12) weeks from the date of receipt of a copy of this order. The respondent Corporation has



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to make the differential payment with 6% interest per annum to be computed from the date of the petitioner's retirement till the date of payment. No Costs.

25.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PJL

To

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R.N.MANJULA, J.

PJL

ORDER IN
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