



W.P.(MD).No.18510 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.18510 of 2022

S.Ramalingam

... Petitioner

Vs.

1.The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Represented by its Managing Director,
Kumbakonam.

2.The General Manager,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Nagapattinam Region,
Nagapattinam.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 2nd respondent in Ref.No.TNSTC/Kum/Legal/L2/14451/2019 dated 22.06.2022, quash the same



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and consequently direct the respondents to settle petitioner's surrender leave salary of Rs.1,33,022/- (Rupees One Lakh Thirty Three Thousand and Twenty Two only) for 90 days from 2009 to 2015 together with interest at the rate of 6% per annum payable from the date of retirement to till the date of actual payment.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.K.Jegadeesh Balan
Standing Counsel

ORDER

The present writ petition has been filed to quash the impugned order passed by the 2nd respondent in Ref.No.TNSTC/Kum/Legal/L2/14451/2019 dated 22.06.2022 and consequently directing the respondents to settle petitioner's surrender leave salary of Rs.1,33,022/- (Rupees One Lakh Thirty Three Thousand and Twenty Two only) for 90 days from 2009 to 2015 together with interest at the rate of 6% per annum payable from the date of retirement to till the date of actual payment.



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2. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

The petitioner joined as Conductor with effect from 18.11.1989. He was promoted as Traffic Inspector and he retired from service on attaining the age of superannuation on 30.04.2015. The petitioner was having 90 days of earned leave from 2009-2015 for which the petitioner could surrender and encash the same worked out to Rs.1,33,022/- (Rupees One Lakh Thirty Three Thousand and Twenty Two only). Hence, the petitioner filed W.P.(MD)No.14451 of 2019, before this Court seeking to direct the respondents to settle the petitioner's surrender leave salary as detailed supra. The said writ petition was disposed of on 12.04.2022 directing the respondents to consider the petitioner's case as per the service records and eligibility and take a decision and pass order as expeditiously as possible. However, the 2nd respondent passed the impugned order dated 22.06.2022 stating that the surrender leave salary will be paid subject to financial position of the corporation. Challenging the same, the present Writ Petition came to be filed.



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3. Heard the learned Counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents and perused the materials available on record.

4. Today, when the case was taken up for hearing, the learned Standing Counsel appearing for the respondents has circulated the letter of the Assistant Manager (Legal), Kumbakonam Region dated 29.01.2024.

5. On perusal of the above said letter, it is clear that the said amount of earned leave to which the petitioner is entitled to get was already paid by 10 equal monthly installments commencing from August 2022 to May 2023. However, it is clear that the petitioner was not been paid with the interest to which he is entitled to.

6. In view of the same, I hereby direct the respondents to sanction 6% interest per annum for the said amount from the date of retirement till the date of disbursement within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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7. Accordingly, this Writ Petition stands disposed of. No costs.

29.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
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L.VICTORIA GOWRI, J.

Sml

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