BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 25/03/2026

CORAM

THE HON'BLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

WP(MD). Nos.7910 to 7912 of 2026

In WP(MD)No.7910 of 2023:

V.Jawaharlal Nehru ... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Kum) Limited,TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam - 612001.

2. The General Manager,
Tamil Nadu State Transport Corporation
(Kum) Ltd.,
Karaikudi Region,Maruthupatti, Managiri,
Karaikudi. ... 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 disburse the earned leave salary for 135 days surrendered by the petitioner from the year 2011, together with interest at the rate of 6 percent per annum till the date of actual payment to be made by the respondents, by considering the petitioners representation dated 12.03.2026.

In WP(MD). No.7911 of 2026:

S.Murugesan ... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Kum) Limited,
TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam – 612 001.

2. The General Manager,
Tamil Nadu State Transport Corporation
(Kum) Ltd.,Karaikudi Region,
Maruthupatti, Managiri,
Karaikudi. ... 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 disburse the earned leave salary for 135 days surrendered by the petitioner from the year 2011, together with interest at the rate of 6 percent per annum till the date of actual payment to be made by the respondents, by considering the petitioners representation dated 12.03.2026.

In WP(MD). No.7912 of 2026:

K.Gandhi ... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation
(Kum) Limited,TNSTC Head Office,
No.27, Railway Station New Road,
Kumbakonam – 612 001.

2. The General Manager,
Tamil Nadu State Transport Corporation
(Kum) Ltd.,Karaikudi Region,
Maruthupatti, Managiri,Karaikudi. ... 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 disburse the earned leave salary for 135 days surrendered by the petitioner from the year 2011, together with interest at the rate of 6 percent per annum till the date of actual payment to be made by the respondents, by considering the petitioners representation dated 12.03.2026.

In all the petitions:
For Petitioners : Mr.SP.Vijaynivas
For Respondents : Mr.K.Ramiah
Standing Counsel

COMMON ORDER

These writ petitions have been filed for issuance of writ of mandamus directing the respondents to disburse the Earned Leave salary for 135 days surrendered by the petitioners from the year 2011, together with interest at the rate of 6% per annum till the date of actual payment to be made by the respondents, by considering the petitioners' representation dated 12.03.2026.

2. By consent of both parties, the writ petitions are taken up for final disposal at the admission stage itself.

3.The case of the petitioners is that in terms of the settlement arrived under Section 12 (3) of the ID Act, the employees of the respondent Corporation are entitled to surrender Earned Leave of 15 days in one year or 30 days in 2 years and the remaining 15 days, or 30 days as the case may be, can be accumulated as terminal Earned Leave upto maximum of 240 days.

4. All the petitioners herein, who have retired from service are allowed to encash 240 days of of Earned Leave. However, the petitioners claim that they have 135 days more Earned Leave available, which were earned by them during the period 2011 to 2016. But the petitioners were not allowed to encash the said Earned Leave at the relevant point of time due to financial crisis being faced by the respondent Corporation. Hence, they claim that they are entitled to encash the same, but the respondent Crporation is not allowing them to encash. Hence, they contend that the petitioners are entitled for encashment of the Earned Leave that is available to the credit of respective petitioners and for payment of the same with interest at 6% per annum.

5. At the threshold, the learned counsel appearing for the

petitioners has brought to the notice of this Court that the very same issue has fallen for consideration before this Court in WP(MD)No.2449 of 2018 and a coordinate bench of this Court by order dated 02.04.2018 allowed an identical claim under identical fact situation. A copy of the same is also placed before this Court. It is also further brought to the notice of this court that the said order of the learned single Judge of this Court dated 02.04.2018 was also confirmed by a Hon'ble Division Bench of this Court in WA(MD)No. 210 of 2019 by order dated 04.01.2019.

6. The learned Standing Counsel appearing for the respondent Corporation also has not disputed about the said legal position.

7. In the light of the same, this Court does not find any reason to re-adjudicate the matter once again. In WP(MD)No.2449 of 2018 at paragraph Nos.11 to 14 this Court held as under:

> "11. It is not in dispute that there was 12(3) settlement between the parties. According to such settlement, employees would be entitled to surrender earned leave of 15 days in one year or 30 days in two years and the remaining 15 days or 30 days, as the case may be, shall be cumulatively accumulated as

terminal earned leave benefit to the maximum of 240 days for the whole service.

12. As far as the petitioner's case is oncerned, during his service, between 2011 and 2014, though he could have surrendered the earned leave of 15 days in a year as per 12(3) settlement, the same was not made possible because the practice was done away by the respondent Corporation, as they have admitted in the answer given to the query under RTI Act. That is the reason why the respondent Corporation in the recent circular dated 09.01.2017 has given the following option to the employee:

□பொருள்: 2011 முதல் 2014 வரையிலான ஆண்டு ஒன்றுக்கு 15 நாட்கள் ஈட்டிய விடுப்பை ஒப்படைப்பு செய்யலாம் என அனைத்து பணியாளர்களுக்கும் தெரிவிக்கப்படுகிறது.ஓவ்வொரு ஆண்டும் 15 நாட்கள் முழுமையாக ஒப்படைப்பு செய்ய முடியும் என்றும் (15 நாட்களுக்கு குறைவாக ஈட்டிய விடுப்பு ஒப்படைப்புசெய்ய இயலாது) மற்றும் ஒப்படைப்பு செய்த 15 நாட்கள் போக மீதி அந்த ஆண்டில் 30 நாட்கள் ஈட்டிய விடுப்பு கையிருப்பில் இருக்க வேண்டும். மேலும் விருப்புரிமை படிவத்தை ஒவ்வொரு ஆண்டுக்கும் தனித்தனியே பூர்த்தி செய்து கிளை மேலாளர்மூலம் சமர்ப்பிக்க வேண்டும் என தெரிவிக்கப்படுகிறது.”

13. If the present circular dated 09.01.2017 enabling the employees to surrender earned leave of 15 days per year for the original period between 2011 and 2014, certainly, such benefits should be extended to all such employees. Insofar as the present petitioner is concerned, the petitioner also could not surrender his earned leave between 2011 and 2014 and therefore, the petitioner would be entitled to make such a claim by virtue of the Circular. Moreover, when a similar

issue has been raised, by similarly placed employees before this Court in the order cited supra in **A.Sundararajan v. The Tamil Nadu State Transport corporation (Kumbakonam Limited) and another**, the learned Judge, after having considered these issues, has allowed the said writ petition by making the following observations and findings, which are extracted hereunder for easy reference:

> "4.Learned standing counsel appearing for the respondents would contend that it is not in dispute that the petitioners are entitled to earned leave surrender salary and it has to be ascertained as to whether they have made any claim for disbursement of the said salary in the respective years, as there is no reference either in the affidavit as well as in the typed set of papers with regard to the forwarding of any better/ application, claiming the said amount. He has further submitted that it has to be ascertained as to whether the period for which leave salary is claimed in these writ petitions have been included in the final settlement of surrender leave salary of 240 days after their retirement. Moreover, the respondents/Corporation have been undergoing severe economical crisis, which is also one of the reasons for not releasing the amount.

5.The financial crisis cannot be the ground to deprive the benefit of earned leave surrender salary to the petitioners, especially, when the claim of earned leave surrender salary for 15 days per year or 30 days once in two years has been admitted in the settlement effected under Section 12(3) of the Industrial Disputes Act, 1947.

6.Therefore, the respondents are directed to consider the claim of the petitioners for payment of the earned leave surrender salary in respect of the years 2010-2014 and pay the eligible amount to the petitioners as per the commitment made by the respondents under section 12(3) settlement within a period of eight weeks from the date of receipt of a copy of this order."

14. Having considered the said judgment of this Court as well as the said Circular dated 09.01.2017, this Court is of the considered view that the petitioner shall also be eligible and entitled to surrender 15 days earned leave from the years 2011- 2014, where the petitioner was in service and if such surrender is made, certainly, he will be entitled to claim the encashment for the said earned leave surrender".

The above order of the learned single Judge was confirmed by the Hon'ble Division Bench in WA(MD)No.210 of 2019 vide order dated

04.09.2019.

8. In the light of the above, the entitlement of the petitioners to encash the available Earned Leave to the credit to the respective petitioners cannot be denied. Further, as the petitioners are deprived of encashing the same at the relevant point of time, they are also entitled to receive the amounts due and payable on encashment with interest at the rate of 6% per annum.

9. Accordingly, all the writ petitions are allowed directing the respondents to permit the petitioners to encash the Earned Leave available to the credit of respective petitioners and disburse the amount payable thereunder together with interest at the rate 6% per annum from the date of superannuation till the date of realization as expeditiously as possible, at any rate, within a period three months from the date of receipt of a copy of a copy of this order. No costs.

25.03.2026

Index : Yes/No
Internet : Yes/No
CM

TO

1. The District Revenue Officer,
O/o. the District Revenue Office,
Collector Office, Sivagangai..

2. The Revenue Divisional Offic,
Er, Devakottai, Sivagangai District..

3. The Tahsildar,
Karaikudi, Sivagangai District..

MUMMINENI SUDHEER KUMAR,J

CM

WP(MD). Nos.7910 to 7912 of 2026

Date : 25/03/2026