

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P. No.22884 of 2015

1. S.Radhakrishnan
2. ENR.Vijayashekar
3. V.Yoganathan

...Petitioners

Vs.

1. The Government of Tamil Nadu,
Represented by its Secretary,
Environment and Forest Department,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.
2. The Managing Director,
Tamil Nadu Tea Plantation Corporation Limited,
Registered Office: TANTEA Complex,
Coonoor-643 101, The Nilgiris.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the second respondent to issue remaining service benefit of 50% unearned leave on private affairs on retirement (based on the resolution dated 27.06.2008) of the Board of Directors of TANTEA).

For petitioners : Mr.G.Sundaram

For respondents : Mr.N.Inbanathan, Govt. Advocate

ORDER

The petitioners were employed in the second respondent-TANTEA and retired from service on various dates. The Government issued G.O.Ms.No.488, Finance (Pension) Department, dated 12.08.1996, permitting encashment of 50% of Unearned Leave on Private Affairs to the employees, upto a maximum of 90 days. Subsequently, by Letter No.37568/BPE/2006, dated 28.01.2008, the Government, through its

Finance (BPE) Department, issued direction, extending the said benefits of the above G.O., to all employees of all Statutory Boards and State Public Sector Undertakings, who are getting Government scales of pay.

2. The second respondent-TANTEA passed a Resolution on 27.06.2008 in terms of the said G.O and the said letter.

3. When similarly situated persons like the petitioners approached this Court, this Court, by order dated 20.03.2015 in W.P.No.7423 of 2014 and by order dated 18.06.2015 in W.P.No.17297 of 2015, directed the TANTEA to give the benefit of encashment of Unearned Leave on Private Affairs in terms of the said G.O./Letter.

4. Hence, this Writ Petition is allowed, directing the second respondent-TANTEA to grant the encashment benefit of UEL on Private Affairs, as stated above, to the petitioners herein, in terms of the abovesaid G.O./Letter/Resolution, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

1. The Government of Tamil Nadu,
Represented by its Secretary,
Environment and Forest Department,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.
2. The Managing Director,
Tamil Nadu Tea Plantation Corporation Limited,
Registered Office: TANTEA Complex,
Coonoor-643 101, The Nilgiris.

3 CCs to Mr.S.Murugan, Advocate SR.No. 38840

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KSJ (CO)PSI (21.08.2015)