



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.06.2017

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CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.(MD) Nos.896 & 897 of 2017

K.Chellakannu ... Appellant in W.A.(MD) No.896 of 2017

P.Raju ... Appellant in W.A.(MD) No.897 of 2017

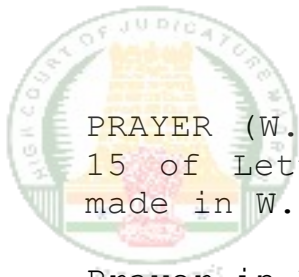
-vs-

1.The Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
rep.by its Managing Director,
Bye-Pass Road, Madurai

2.The General Manager
Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
Bye Pass Road,
Madurai ... Respondents in W.A.(MD) No.896 of 2017

1.The State Express Transport
Corporation (Tamil Nadu) Ltd.,
rep.by its Managing Director
Thiruvalluvar Illam
Pallavan Salai, Chennai-2

2.The General Manager
The State Express Transport
Corporation (Tamil Nadu) Ltd.,
Pallavan Salai,
Chennai-2 ... Respondents in W.A.(MD) No.897 of 2017
(Cause Titles amended vide order
dated 15.06.2017 in C.M.P.(MD)
Nos.3399 and 3195 of 2017)



PRAYER (W.A.(MD) No.896 of 2017) : Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 26.07.2016, made in W.P.(MD) No.13063 of 2016.

Prayer in WP(MD)No.13063/2016:-

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Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 1st Respondent to consider the Petitioner's representation dated 21.04.2016 and to pay the surrender leave encash amount to petitioner within a time frame as may be fixed by this Hon'ble Court.

PRAYER (W.A.(MD) No.897 of 2017) : Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 26.07.2016, made in W.P.(MD) No.13064 of 2016.

Prayer in WP(MD)No.13064/2016:-

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 1st Respondent to consider the Petitioner's representation dated 21.04.2016 and to pay the surrender leave encash amount to petitioner within a time frame as may be fixed by this Hon'ble Court.

For Appellants : Mr.A.Rahul
(in both appeals)

For Respondents : Mr.K.Sathyasingh
(in both appeals) Standing Counsel

C O M M O N J U D G M E N T

[Judgment of the Court by T.S.SIVAGNANAM, J.]

Heard the learned counsel appearing for the parties and perused the materials placed on record.

2. Since the issue involved in both the writ appeals is one and the same, they are taken up together and disposed of by this common Judgment.

3. These writ appeals by the writ petitioners are directed against the common order, dated 26.07.2016, made in W.P.(MD) Nos.13063 and 13064 of 2016, which were filed for a direction upon the first respondents to consider their representations, dated 21.04.2016, and to pay their surrender leave encashment. Both the writs were dismissed by the Writ Court on the ground of delay.



4. Both the appellants had retired from service and the amount they seek for is their lawful entitlement. It may be true that the appellants did not approach the respondent - Corporation earlier and this is sought to be explained stating that they were all waiting since the employees, who retired before them, were yet to get benefit as the respondent - Corporation was under severe financial crisis. Thus, we are of the view that the appellants' claim should not be denied relief on the ground that they submitted representations belatedly. Furthermore, the dues, which are payable to the appellants, are their lawful entitlement. Therefore, we do not want to deny the same on a technical ground.

5. In the result, the writ appeals are allowed and the impugned common order, dated 26.07.2016, made in W.P.(MD) Nos.13063 and 13064 of 2016, is set aside and the respondents are directed to consider the appellants' representations, dated 21.04.2016, examine as to whether they are entitled to encashment of surrender leave and decide the quantum of amount, if they are entitled to and pay the same in twelve equal installments commencing from July, 2017 as has been done in respect of the other employees. No costs.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

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W.A.(MD) Nos.896 & 897 of 2017

15.06.2017