



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Friday, the Twenty First day of April Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR

WMP(MD) No.5873 of 2017
IN
WP(MD) No.SR25019 of 2017

1 D.S.VINCENT
2 A.VENKATACHALAM
3 N.NAGENDRAN
4 K.MURUGAN
5 T.SRINIVASAN

... PETITIONERS

Vs

1 THE STATE OF TAMIL NADU
REP.BY ITS PRINCIPAL SECRETARY TO GOVT.,
TRANSPORT DEPT., & CHAIRMAN OF BOARD OF DIRECTORS OF
STATE TRANSPORT UNDERTAKINGS
FORT ST.GEORGE, CHENNAI - 600 009

2 THE MANAGEMENT OF
THE TAMIL NADU STATE TRANSPORT
CORPORATION (MADURAI) LTD.,
REPRESENTED BY ITS THE MANAGING DIRECTOR
MADURAI DIVISION
BYE PASS ROAD, MADURAI - 625 016

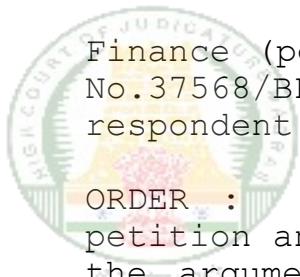
3 THE FINANCIAL ADVISOR & CHIEF ACCOUNTS OFFICER,
THE TAMIL NADU STATE TRANSPORT
CORPORATION (MADURA) LTD.,
MADURAI DIVISION,
BY PASS ROAD, MADURAI - 625 016

... RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to permit the petitioners herein to join together and file single writ petition and thus render justice.

PRAYER IN WP(MD) No.SR25019 of 2017:-

to issue appropriate Writs, Orders or Directions and in particular the Writ of Mandamus, directing the respondents to extend the benefit of surrender and encashment of unearned leave on private affairs for the period of 90 days to the petitioners and to pay monetary benefits to them with interest at the rate of 18% per annum payable from the date of retirement of the petitioners to till the date of payment of the said monetary benefit based on the scheme of unearned leave on private affairs in accordance with G.O.Ms.No.488



Finance (pension) Department dated 12.08.1996 and Government letter No.37568/BPE/2006 dated 28.01.2008 and Board resolution of the 2nd respondent company bearing Resolution NO.8 dated 25.03.2010

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.A.RAHUL, Advocate for the petitioner and the court made the following order:-

This petition has been filed to permit the petitioners herein to join together and file single Writ petition.

2. Heard the learned counsel appearing for the petitioners.

3. The contention of the petitioners is that the petitioners are similarly placed persons and they are entitled to the benefits of **G.O.Ms.No.488 Finance (Pension) Department, dated 12.08.1996**, which is interpreted by the Secretary to Government in his proceedings, dated 28.01.2008.

4. It may be true that the petitioners are asking for similar relief which can be examined together. But that does not give raise or to assume that they have a joint cause of action. All the petitioners were employed in the second respondent Corporation in different posts and retired from service on various dates. Hence, the petition is not maintainable and each one of the petitioner has independent cause of action. Merely, because the petitioners are collectively seeking similar or same prayer, they cannot be permitted to file a single Writ petition.

5. In that view of the matter, the petition is dismissed. However, liberty is given to the first petitioner to file the Writ petition for himself and it is open to the other petitioners to file independent petitions. The office is directed to number the Writ petition confining to the first petitioner.

sd/-

21/04/2017

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 PRINCIPAL SECRETARY TO GOVT.,
THE STATE OF TAMIL NADU
TRANSPORT DEPT., & CHAIRMAN OF BOARD OF DIRECTORS OF
STATE TRANSPORT UNDERTAKINGS
FORT ST. GEORGE, CHENNAI - 600 009



2 THE MANAGING DIRECTOR
THE MANAGEMENT OF THE TAMIL NADU STATE TRANSPORT
CORPORATION (MADURAI) LTD.,
MADURAI DIVISION
BYE PASS ROAD, MADURAI - 625 016

3 THE FINANCIAL ADVISOR & CHIEF ACCOUNTS OFFICER,
THE TAMIL NADU STATE TRANSPORT
CORPORATION (MADURA) LTD.,
MADURAI DIVISION,
BY PASS ROAD, MADURAI - 625 016

JAM/27.04.17/KKR/SAR 3 / 3p-4c

ORDER
IN
WMP (MD) No.5873 of 2017
IN
WP (MD) No.SR25019 of 2017
Date :21/04/2017