



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.(MD)Nos.11809 to 11821 of 2017

M.S.DEVADOSS	...	PETITIONER IN WP(MD) .	11809/ 2017
N.ARUNACHALAM	...	PETITIONER IN WP(MD) .	11810/ 2017
P.SELVAKUMAR	...	PETITIONER IN WP(MD) .	11811/ 2017
R.RAJENDRAN, S/O.RATHINAVELU	...	PETITIONER IN WP(MD) .	11812/ 2017
P.RAJENDRAN S/O.U.PALANICHAMY	...	PETITIONER IN WP(MD) .	11813/ 2017
G.CHELLACHAMY	...	PETITIONER IN WP(MD) .	11814/ 2017
S.GNANAMBAL SUCILA	...	PETITIONER IN WP(MD) .	11815/ 2017
M.PAULRAJ	...	PETITIONER IN WP(MD) .	11816/ 2017
D.MEENAKSHI SUNDARAM	...	PETITIONER IN WP(MD) .	11817/ 2017
A.VENKATACHALAM	...	PETITIONER IN WP(MD) .	11818/ 2017
N.NAGENDRAN	...	PETITIONER IN WP(MD) .	11819/ 2017
K.MURUGAN	...	PETITIONER IN WP(MD) .	11820/ 2017
T.SRINIVASAN	...	PETITIONER IN WP(MD) .	11821/ 2017

- VS. -

1 THE MANAGING DIRECTOR,
TAMIL NADU STATE TRANSPORT CORPORATION LTD.,
MADURAI DIVISION, BYE PASS ROAD,
MADURAI - 625 016

...1ST RESPONDENT IN WP(MD)NOS.11809 TO 11817 2017

2 THE FINANCIAL ADVISOR & CHIEF ACCOUNTS OFFICER,
TAMIL NADU STATE TRANSPORT CORPORATION LTD.,
MADURAI DIVISION, BYE PASS ROAD,
MADURAI - 625 016

...2ND RESPONDENT IN WP(MD)NOS.11809 TO 11817 OF 2017

...3RD RESPONDENT IN WP(MD)NOS.11818 TO 11821 OF 2017

1 THE STATE OF TAMIL NADU, REP.BY ITS
PRINCIPAL SECRETARY TO GOVERNMENT,
TRANSPORT DEPARTMENT AND CHAIRMAN OF BOARD
OF DIRECTORS OF STATE TRANSPORT UNDERTAKINGS,
FORT ST.GEORGE, CHENNAI.

...1ST RESPONDENT IN WP(MD)NOS.11818 TO 11821 OF 2017

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

...2ND RESPONDENT IN WP(MD)NOS.11818 TO 11821 OF 2017



COMMON PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a 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 petitioner and to pay monetary benefits with interest at the rate of 18% per annum payable from his date of retirement 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 213th Board Resolution of the 1st respondent Company, and Board resolution of the 2nd respondent company respectively bearing Resolution No.8, dated 25.03.2010.

For Petitioner : Mr.A.Rahul
(in all the W.Ps.)

For Respondents : Mr.A.P.Muthupandian
(in all the W.Ps.) Standing Counsel for TNSTC

COMMON ORDER

The petitioners in all these petitions are retired Tamil Nadu Transport Corporation employees. Their grievance is that surrender leave salary and encashment of unearned leave on private affairs for the period of 90 days were not given to them. Therefore, they made individual representations to the Managing Director, Tamil Nadu State Transport Corporation (Madurai) Ltd., Madurai. But, the same were not considered by him. Hence, the present Writ Petitions.

2.Heard both sides.

3.The learned counsel for the petitioners would submit that the Government issued G.O.Ms.No.488, Finance (Pension) Department, dated 12.08.1996, permitting surrender and encashment of maximum of 90 days of the leave on private affairs standing to the credit of employees. The benefit of the said Government Order has been extended to the employees of all Statutory Boards and State Public Sector Undertakings, who are getting Government scales of pay, in Letter No.37568/BPE/2006, dated 28.01.2008, Finance (BPE) Department, wherein at paragraphs 3 and 4, it has been stated as follows:

"3.The Government after careful examination of this issue in the present context, issue the following directions:-

"The scheme of encashment of unearned Leave on Private Affairs of Government servants may also be extended to the employees of all Statutory Boards and State Public Sector



Undertakings who are getting Government Scales of pay but not to the employees who are governed by periodic wage settlement under Industrial Dispute Act, subject to the condition that the concerned Board/State Public Sector Undertakings should not seek financial assistance from the Government for this purpose."

4. These instructions will take effect from the date of issue of orders."

4. Pursuant thereto, a Resolution was also passed on 25.03.2010 by the respondent Transport Corporation to extend the above benefits to the Managerial/Supervisory Cadre Officers of the respondent Transport Corporation. Finally, when there was a delay in disbursing the said benefits, batch of Writ Petitions were filed before this Court, seeking for issuance of a Writ of Mandamus, directing the respondents therein to extend the benefit of surrender and encashment of unearned leave on private affairs for the period of 90 days to the petitioner therein and also to pay monetary benefits accrued thereon.

5. This Court, by an order dated 18.11.2016, disposed of all the Writ Petitions and the relevant portion of the said order is extracted hereunder:

"7. From the above judgment of the Division Bench of this Court, it is clear that G.O.Ms.No.488, dated 12.08.1996, would be applicable to the petitioners herein also, because they are deemed to be the beneficiaries under G.O.Ms.No.488, as the Transport Corporation also is a Public Sector Undertaking. As the Government Order enures for the benefit of the employees of the Government and as such the benefit of said Government Order cannot be denied in respect of the petitioners, just because they are working in the Corporation.

8. In the result:-

(i) the impugned letter of the first respondent, dated 15.02.2012, which is challenged in W.P.(MD) No.2323 of 2016 is set-aside;

(ii) Writ Petitions in W.P.(MD) Nos.18731, 18732, 18736, 20830, 20831, 20836, 20003, 20004, 21517 of 2016 and 22882 of 2016 stand disposed of, directing the respondents in all the writ petitions 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 the petitioners based on the said scheme in terms of G.O.Ms.No.488, Finance (Pension) Department, Government of Tamil Nadu, dated 12.08.1996 and letter of the second respondent in Letter No.37568/BPE/2006, dated 28.01.2008, together with interest at the rate of 6% per annum, from the date of retirement of the petitioners to till the date on which the above monetary benefits are settled to them, by taking into account, the observations made in this order as well as in the judgment of the Division Bench, referred to supra, within a period of eight weeks from the date of receipt of a copy of this order.



(iii) No costs. Consequently, the connected WMP is closed."

6. In the light of the above decision, the issue with regard to disbursal of the benefit of surrender and encashment of unearned leave on private affairs for the period of 90 days to the employees working in the Transport Corporation is no longer res integra.

7. Mr. A. P. Muthupandian, learned Standing Counsel appearing for the respondents requested this Court to give the said amount of each employee in three equal monthly installments.

8. In the result, these Writ Petitions are disposed of with a direction to 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 the petitioners based on the said scheme in terms of G.O. Ms. No. 488, Finance (Pension) Department, Government of Tamil Nadu, dated 12.08.1996 and the letter of the Secretary to Government of Tamil Nadu, Finance (Pension) Department, Fort St. George, Chennai, in Letter No. 37568/BPE/2006, dated 28.01.2008, together with interest at the rate of 6% per annum, from the date of retirement of the petitioners to till the date on which the above monetary benefits are settled to them, in three equal monthly installments and the first installment shall commence from August 2017. No costs.

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar.

To

1. The Principal Secretary to Government of Tamil Nadu,
Transport Department and Chairman of Board
of Directors of State Transport Undertakings,
Fort St. George, Chennai - 600 009.

2. The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Madurai Division, Bye-pass Road, Madurai - 625 016.

3. The Financial Advisor & Chief Accounts Officer,
Tamil Nadu State Transport Corporation Ltd.,
Madurai Division, Bye-pass Road,

+13CC to M/S. A. K. Thangavelu, Advocate, SR. Nos. 64911 to 64923

Common order in
W.P. (MD) Nos. 11809 to 11821 of 2017
11.07.2017