



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2017

CORAM

THE HONOURABLE MR. JUSTICE T. RAJA

W.P. (MD) No. 17582 of 2017

D. Robert Dharma Jose

: Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Chairman cum
Secretary to Government,
Transport Department,
Fort. St. George,
Secretariat, Chennai - 9.

2. The Managing Director,
Tamil Nadu State Transport Corporation,
(Tirunelveli Limited),
No. 2, Trivandrum Road,
Vannarapet, Tirunelveli.

: Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents herein to pay the benefit of encashment of unearned leave on private affairs to the petitioner as per the Government Letter No. 37568/BPE/2006, dated 28.01.2008, issued by the Secretary to Government, Finance (BPE) Department, Secretariat, Chennai within the stipulated time that may be fixed by this Court.

For Petitioner : Mr. S. Veeranasamy

For Respondent : Mr. K. Sathya Singh

Standing Counsel for TNSTC

O R D E R

By the consent of both sides, the writ petition itself is taken for final disposal.

2. The learned counsel for the petitioner submitted that the petitioner, while serving as Selection Grade Assistant Manager in the Tamil Nadu State Transport Corporation retired from service with effect from 28.02.2010, on reaching the age of superannuation. The Government issued G.O. (Ms). No. 488, Finance (Pension) Department, dated 12.08.1996, stating that the 50% of the leave on private affairs standing to the credit of the employees upto a maximum of 90



days be extended for full leave salary including Dearness and other allowances. But, the said benefits have not been given to the petitioner.

3. The learned counsel for the petitioner would further submit that the Government had issued one another letter in Government Letter No.37568/BPE/2006 dated 28.01.2008, in and by which the Government extended the benefit of the Scheme of claiming encashment of unearned leave on private affairs ordered in G.O.(Ms).No.488 Finance (Pension) Department, dated 12.08.1996, to the State Public Sector Undertakings / Statutory Boards, who are getting the Government scale of pay, but not the employees who are governed by periodic wage settlement under the Industrial Disputes Act. Since, the said benefit has not been given to the petitioner, the petitioner submitted a representation dated Nil, to the respondents. The said representation is pending consideration. Hence, the petitioner has come to this Court with the present writ petition.

4. Mr.K.Sathya Singh, learned Standing Counsel who takes notice for the respondents seeks sufficient time to consider the representation of the petitioner.

5. Considering the limited scope of the prayer sought for by the petitioner, this Court hereby directs the petitioner to submit a representation along with the copy of this order to the first respondent afresh. On receipt of the same, the first respondent is directed to consider the same on merits within a period of six weeks from the date of receipt of a copy of this order.

6. The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(RECORD)

/True Copy/

Sub Assistant Registrar

To

1. The Chairman cum Secretary to Government,
State of Tamil Nadu,
Transport Department,
Fort. St. George, Secretariat, Chennai - 9.

2. The Managing Director,
Tamil Nadu State Transport Corporation (Tirunelveli Limited),
No.2, Trivandrum Road,
Vannarapet, Tirunelveli.

+1cc to M/s.K.SATHYA SINGH Advocate in SR. No. 79625

MR/MRN

JS/MR.KKR/SAR.4/25.10.2017/2P-4C

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