

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 28.04.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR**W.P. (MD) .No.8536 of 2017**

K.Senguttuvan

...Petitioner

Vs.

1. The Management of
The Tamil Nadu State Corporation (Madurai) Ltd.,
Rep.by its Managing Director,
Bye pass Road,
Madurai - 16.

2. The Financial Advisor &
Chief Accounts Officer,
Tamil Nadu State Transport
Corporation Ltd.,
Bye pass Road,
Madurai - 625 016.

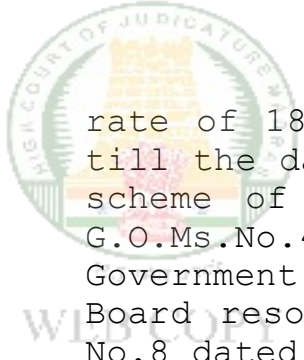
...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents to extent 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 the date of his 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 bearing Resolution No.8 dated 25.03.2010.

For Petitioner	: Mr.A.Rahul
For respondents	: Mr.A.Jayaraman
	Standing Counsel

O R D E R

This Writ petition has been filed by the petitioner, to direct the respondents to extent 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 the date of his 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 bearing Resolution No.8 dated 25.03.2010.

2. Heard the learned Counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3. Mr.A.Jayaraman, learned Standing counsel takes notice for the respondents. By consent, the Writ petition itself is taken up for final disposal.

4. Petitioner is an employee of the respondents corporation. The petitioner has filed this writ petition seeking direction to surrender and encashment of unearned leave on private affairs for the period of 90 days and to pay monetary benefits with interest 18% per annum in terms of G.O.M.S.No.488 Finance (Pension) Department dated 12.08.1996 and other execute orders of common and other instructions are common.

5. The petitioner has made representation earlier and the respondents have not considered, hence the present writ petition is filed. The learned counsel for the petitioner relies upon the judgment of learned single judge of this court in a batch of Writ petitions namely W.P.(MD)No.2323 of 2016 and other connected cases. This court has passed the following order in the batch of writ petitions:

' (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 respondents 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. Considering that the facts the present case is not in dispute, Mr.A.Jayaraman, the learned standing counsel appearing for the respondents have no objection for disposing the Writ petition in terms of the earlier order by this court in similar Writ petitions. Hence the Writ petitions is allowed 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 to the petitioner 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 bearing Resolution No.8 dated 25.03.2010 within a period of eight weeks from the date of receipt of copy of this order.

7. Accordingly, the Writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

+1cc to M/S. A.K.THANGAVELU, Advocate, SR.No.55262.

ORDER MADE IN
W.P. (MD) .No.8536 of 2017
28.04.2017

SDS/SV/SAR 1/26.05.2017/3P/2C