

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2018

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

Writ Petition No.31730 of 2017

Tamil Nadu State Marketing
Permanent Employees Association,
(Regn.No.3573/CNI)
rep. By its President
P.Shanmugasundaram,
CMDA Tower-II, 4th Floor,
Egmore,
Chennai - 600 008.

.... Petitioner

vs.

1. The Additional Chief Secretary
to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai - 600 009.

2. The Managing Director,
Tamil Nadu State Marketing Corporation Ltd.,
CMDA Tower-II, 4th Floor,
Egmore,
Chennai - 600 008.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents herein to issue 50% of unearned leave on private affairs on retirement of the members of the petitioner Association w.e.f. 28.1.2008 on the basis of Government Lr.No.37568/BPE/2006 dated 28.1.2008.

For Petitioner : Mr.S.P.Sudalaiyandi

For Respondents : Mr.I.Sathish,
Additional Government Pleader
for R1
Mr.M.John Kennedy,
Standing Counsel for R2.

O R D E R

This writ petition is filed by the Association seeking for a Mandamus directing the respondents herein to issue 50% of unearned leave on private affairs on retirement of the members of the petitioner Association w.e.f. 28.1.2008 on the basis of Government Lr.No.37568/BPE/2006 dated 28.1.2008.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3. It is contended by the learned counsel appearing for the petitioner that the members of the petitioner Association are being denied of 50% of unearned leave which they are entitled to on the basis of the Government Letter dated 28.01.2008 referred to in the Writ Petition. Therefore, he contended that a suitable direction may be issued to the respondents.

4. I do not think that the petitioner Association can maintain the present Writ Petition, more particularly, when the relief sought for in this writ petition is related to an individual claim to be made by the respective members of the petitioner Association before the concerned authorities by placing the material facts and circumstances. Therefore, only such of those persons, if they are denied of such benefit, can approach this Court and file the writ petition. On the other hand, a blanket direction as sought for by the petitioner cannot be given, that too, at the instance of the Association, wherein, it is claimed, that their members are denied of such benefits. Needless to say that if the members of the petitioner Association are having any grievance against the non-grant of unearned leave as per the Government Letter dated 28.01.2008, it is for them to work out their remedy independently in a manner known to law. Granting such liberty, the Writ Petition is dismissed as not maintainable at the instance of the Association. No costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

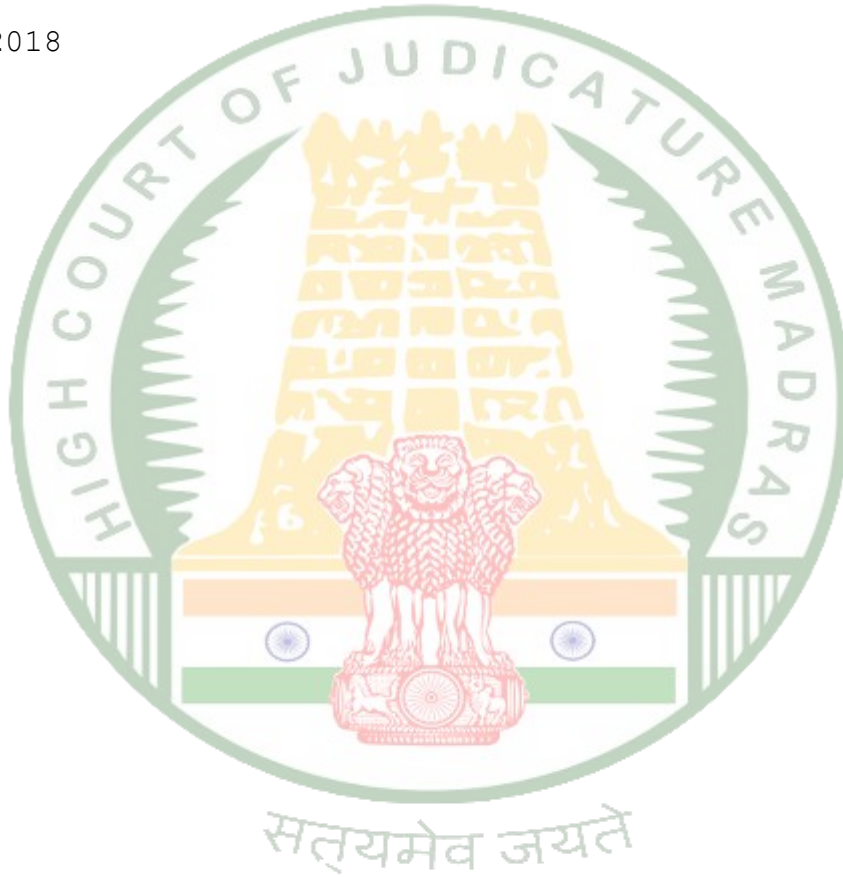
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+1cc to Mr.M.John Kennedy, Advocate sr.no.82380
+1cc to Government Pleader sr.no.81736

W.P.No.31730 of 2017

cp(co)
nr 18/12/2018



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