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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

**WP(MD)Nos.18657, 24237 and 24238 of 2016
and 551,5437,5438 and 5681 of 2017**

1 V.GANAPATHIRAMAN,
2 P.SARASWATHI,
3 S.CHITHAMBARAM, ... Petitioners in WP(MD). 18657/ 2016

K.BALAKRISHNAN, ... Petitioner in WP(MD). 24237/ 2016
K.R.VIJAYAN, ... Petitioner in WP(MD). 24238/ 2016
G. PAULRAJ, ... Petitioner in WP(MD). 551/ 2017
K. PACHAMUTHU ... Petitioner in WP(MD). 5437/ 2017
A.XAVIER ... Petitioner in WP(MD). 5438/ 2017
K.SELVARAJ, ... Petitioner in WP(MD). 5681/ 2017

VS

1 THE STATE OF TAMIL NADU,
REP. BY ITS PRINCIPAL SECRETARY TO GOVERNMENT.
TRANSPORT DEPARTMENT & CHAIRMAN OF BOARD OF DIRECTORS
OF STATE TRANSPORT UNDERTAKINGS,
FORT. ST. GEORGE, CHENNAI - 9

2 THE MANAGEMENT OF
THE TAMIL NADU STATE TRANSPORT CORPORATION (MADURAI) LTD.,
REP. BY ITS THE MANAGING DIRECTOR, BYE PASS ROAD, MADURAI - 10

3 THE GENERAL MANAGER,
TAMIL NADU STATE TRANSPORT CORPORATION (MDU) LTD.,
MADURAI REGION, MADURAI.

... Respondents in WP(MD). 18657/ 2016



THE TAMILNADU STATE TRANSPORT CORPORATION (KUMBAKONAM) LTD.,
REP. BY ITS MANAGING DIRECTOR, KUMBAKONAM.

..1ST RESPONDENT IN WP(MD)Nos.24237 AND 24238 OF 2016
551, 5437, 5438, 5681 OF 2017.

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THE GENERAL MANAGER

THE TAMIL NADU STATE TRANSPORT CORPORATION (KUMBAKONAM) LTD.,
KARAIKUDI REGION, KARAIKUDI.

...2ND RESPONDENT IN WP(MD) 24237, 24238 OF 2016,
AND 5437 AND 5438 OF 2017

THE GENERAL MANAGER

THE TAMIL NADU STATE TRANSPORT CORPORATION (KUMBAKONAM) LTD.,
KUMBAKONAM REGION, KUMBAKONAM.

..2ND RESPONDENT IN WP(MD)No.551 OF 2017

THE GENERAL MANAGER,

THE TAMIL NADU STATE TRANSPORT CORPORATION (KUMBAKONAM) LTD.,
NAGAPATTINAM REGION, NAGAPATTINAM.

..2ND RESPONDENT IN WP(MD)No.5681 OF 2017

Prayer in WP(MD). 18657/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue 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 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.

COMMON PRAYER IN WP(MD)No.24237 AND 24238 OF 2016

AND WP(MD)Nos.551, 5437, 5438, 5681 OF 2017:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents to extend the benefit of encashment of unearned leave on private affairs for 90 days to the petitioner and to pay his monetary benefits accrued thereon together with interest at the rate of 18% per annum payable from the date of retirement of the



petitioner to till the date on which the above monetary benefits are settled within the time that may be stipulated by this Hon'ble Court.

For Petitioners

: Mr.A.Rahul

For Respondents

: Mr.D.Sivaraman

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COMMON ORDER

These writ petitions have been filed seeking to direct the respondents to pay monetary benefits by extending the benefit of surrender and encashment of unearned leave on private affairs for the period of 90 days to the petitioners with interest, in line 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.

2.The learned Standing Counsel appearing for the respondents submitted that the issue involved in these writ petitions has already been settled by a Division Bench of this Court, in WA(MD) Nos.939 to 944 of 2017, etc., by judgment dated 27.03.2018, whereby the claim of the petitioners therein was rejected and the writ petitions thereon were dismissed. Hence, he prayed for dismissal of these writ petitions also.

3.The learned Counsel appearing for the writ petitioners has no serious objection to the above submission.

4.Under such circumstances, in the light of the judgment of this Court cited supra, these writ petitions are liable to be dismissed. Accordingly, these writ petitions are dismissed. No costs.

Sd/-

Assistant Registrar (P AND A)

// True Copy //

Sub Assistant Registrar(CS)

dsk

To

1.THE PRINCIPAL SECRETARY TO GOVERNMENT,
STATE OF TAMIL NADU,

<https://hcservices.tn.gov.in/hcservices>

TRANSPORT DEPARTMENT AND

CHAIRMAN OF BOARD OF DIRECTORS OF STATE TRANSPORT UNDERTAKINGS,
FORT SAINT GEORGE, CHENNAI -9.



2. THE MANAGING DIRECTOR,
MANAGEMENT OF THE TAMIL NADU STATE
TRANSPORT CORPORATION (MADURAI) LTD,
BYPASS ROAD, MADURAI - 10.

3. THE GENERAL MANAGER,
TAMIL NADU STATE TRANSPORT CORPORATION (MADURAI) LTD,
MADURAI REGION, MADURAI.

4. THE MANAGING DIRECTOR,
THE TAMILNADU STATE TRANSPORT CORPORATION (KUMBAKONAM) LTD.,
KUMBAKONAM.

5. THE GENERAL MANAGER
THE TAMIL NADU STATE TRANSPORT CORPORATION (KUMBAKONAM) LTD.,
KARAIKUDI REGION, KARAIKUDI.

6. THE GENERAL MANAGER
THE TAMIL NADU STATE TRANSPORT CORPORATION (KUMBAKONAM) LTD.,
KUMBAKONAM REGION, KUMBAKONAM.

7. THE GENERAL MANAGER,
THE TAMIL NADU STATE TRANSPORT CORPORATION (KUMBAKONAM) LTD.,
NAGAPATTINAM REGION, NAGAPATTINAM.

7CC'S TO MR. A. RAHUL, ADVOCATE
SR Nos. 54798, 54799, 54800, 54801, 54802, 54803, 54804

2CC'S TO MR. D. SIVARAMAN, ADVOCATE SR 55025 AND 55026

KK
24/04/2019
4P 17C

**WP (MD) Nos. 18657, 24237 and 24238 of 2016,
551, 5437, 5438 and 5681 of 2017**

18.03.2019