



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2019

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. (MD).No.6801 of 2015

S.Kingston Kanagaraj

... Petitioner

-Vs-

The Managing Director,
The Tamil Nadu State Transport,
Corporation (Madurai) Limited,
Bye-pass Road, Madurai-625 016

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to pay the petitioner's encashment of unearned leave on private affairs for a period of 90 days.

For Petitioner : Mr.C.Thngamani

For Respondent : Mr.A.Jeyakumar

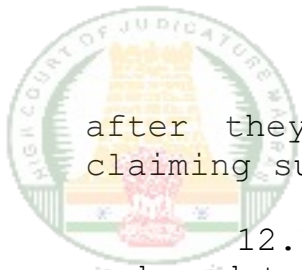
Additional Government Pleader

ORDER

The relief sought for in the present writ petition is for a direction to direct the respondent to pay the petitioner's encashment of unearned leave on private affairs for a period of 90 days.

2.The learned counsel appearing for the respondent/Transport Corporation made a submission that the writ petition of similar nature was allowed by the learned Single Judge of this Court and a Writ Appeal in W.A(MD).No.939 of 2017 was filed by the Tamil Nadu State Transport Corporation against the order passed in the writ petition. The Hon'ble Division Bench of this Court allowed the writ appeal on 27.03.2018 and the relevant paragraphs are extracted hereunder:

"11.As noticed above, there is a separate Service Rule for the employees of the appellants/Transport Corporation. Annexure-II of the common Service Rules deals with Unearned Leave and on perusal of the said Rules, we find that there is no such Leave Rule called as unearned leave on private affairs. Thus, unless and until, such a leave is contemplated under the Service Rule, the question of encashment does not arise. It is to be noted that all the respondents/writ petitioners have all served in the appellants/Transport Corporation and were bound by the Service Rules framed by the Corporation. Therefore, at this distant point of time,



after they attained the age of superannuation, the question of claiming such a benefit does not arise.

12. In the result, these writ appeals are allowed and the order dated 02.12.2016 passed in W.P.(MD).Nos.2323, 18731, 18732, 18736, 20830, 20831, 20836, 20003, 20004, 21517 and 22882 of 2016 are set aside and the writ petitions are dismissed. The other writ petitions, which has been posted along with the Writ Appeals, are also dismissed. No costs. Consequently, connected miscellaneous petitions are closed."

3. In view of the fact that the writ appeal filed by the Transport Corporation was allowed by the Division Bench of this Court, the writ petitioner is not entitled for the relief as such sought for in the present writ petition and the same stands dismissed. No costs.

Sd/-

Assistant Registrar (CSII)

// True Copy //

Sub Assistant Registrar (CS)

To

The Managing Director,
The Tamil Nadu State Transport,
Corporation (Madurai) Limited,
Bye-pass Road, Madurai-625 016

+One cc to Mr.C.Thangamani, Advocate, SR.No.74852

W.P. (MD) .No.6801 of 2015
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RL/18.07.2019/2P/3C