



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.02.2021

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THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

WEB COPY

W.A. (MD)No.451 of 2019

Against WP(MD)No.13711 of 2012

- 1.The Manaing Director,
Tamil Nadu State Transport Corporation (MDU) Ltd.,
Bye Pass Road, Madurai - 625 016.
- 2.The Branch Manager,
Tamil Nadu State Transport Corporation (MDU) Ltd.,
Dindigul Region, Bye Pass Road,
Dindigul - 624 004. ... Appellants/Petitioners

Vs.

- 1.R.Alagarsamy
- 2.The State of Tamil Nadu,
Rep. by its Secretary,
Transport Department,
Secretariat, Chennai - 9. ... Respondents/Respondents

Prayer:- Appeal filed under Clause 15 of the Letters Patent, against the order passed by this Court in W.P.(MD)No.13711 of 2012, dated 07.11.2016.

Prayer in WP(MD). 13711 of 2012 :

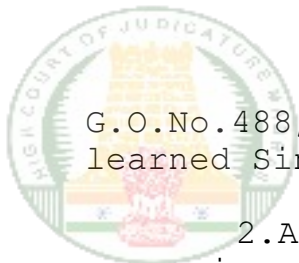
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, direct the respondent No.2 to disburse the retirement benefit of Encashment of Unearned Leave on Private Affairs to the Petitioner within the time stipulated by this Honourable Court.

For Appellants	:	Mr.J.Senthil Kumaraiah
For R1	:	Mr.J.Lawrance
For R2	:	Mr.K.P.Krishnadoss Special Government Pleader

JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J)

The subject matter of the proceeding before us is with respect to entitlement of respondent No.1 for the unearned leave on private affairs. Placing reliance upon the Government Order in



G.O.No.488, Finance (Pension) Department, dated 12.08.1996, the learned Single Judge allowed the Writ Petition.

2.As rightly submitted by the learned Standing Counsel appearing for the appellants, the said Government Order is not applicable to the employees of the Transport Corporation, but only to the Government Servants. This position has been reiterated by the Division Bench of this Court in **W.A. (MD)Nos.939 to 944 of 2017 etc. batch, dated 27.03.2018.**

3.In such view of the matter, we are constrained to set aside the order of the learned Single Judge. Accordingly, this Writ Appeal is allowed and the order passed by the learned Single Judge in W.P.(MD)No.13711 of 2012, dated 07.11.2016, is set aside and Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Secretary to Government of Tamil Nadu,
Transport Department, Secretariat,
Chennai - 9.

+1 CC to M/s.J.LAWRANCE, Advocate (SR-6411[F] dated 22/02/2021)

W.A. (MD)No.451 of 2019

19.02.2021

NA(CO)

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