



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **13.12.2021**

CORAM :

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P (MD) .No.14909 of 2015

B.Chandramohan

... Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation,
(Madurai) Limited,
Bye-Pass Road, Madurai-625 010.

2.The General Manager,
Tamil Nadu State Transport Corporation,
(Madurai) Limited,
Bye-Pass Road,
Madurai-625 010.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Ref:Legal/W.P.No.4716/2013, dated 02.05.2013 on the file of the respondent No.2 and quash the same as illegal and consequently for a direction, directing the respondents to provide the difference of pay of the Gratuity and unearned leave salary to the tune of Rs.84,000/- to the petitioner along with other monetary benefits within the time period stipulated by this Court.

For Petitioner : Mr.Karthick
For M/s.T.Lajapathi Roy
For Respondents : Mr.J.Senthil Kumariah

O R D E R

The petitioner joined the erstwhile M/s.Pandian Roadways Corporation Limited, Madurai on 23.06.1976 as Junior Assistant. Later the petitioner was promoted and attained superannuation on 31.01.2007. The grievance of the petitioner is the Government issue, G.O.Ms.No.235, Finance (PC) Department, dated 01.06.2009, wherein the gratuity payment was increased from Rs.3.50 lakhs to Rs.10 lakhs. The petitioner is relying on the said GO and claiming gratuity. The other claim of the petitioner is seeking difference of amount under unavailed leave salary.

2.The respondents have filed counter denying the allegation of the petitioner. When the writ petition was taken up, the petitioner counsel fairly submitted as per as the leave salary difference, the issue is already settled by this Court in W.A(MD)No.939 of 2017 batch wherein, this Court is held as under:



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.

3.Therefore, the issue is covered under this writ appeal, claim of this leave salary is rejected. As far as the claim of increased gratuity amount in G.O.Ms.No.235 is concerned, this Court in another W.P. (MD).NO.59 of 2015 has passed an order and the same is extracted here under:

4.The learned Counsel appearing for the respondent would submit that the said Government Order is not applicable to the petitioner herein, since he is governed by the Trust under the Employees Gratuity Fund Trust Rules. As far as the staff of the Transport Department is concerned, implementation of enhancing gratuity limit from Rs.3.50 lakhs to 10.00 lakhs came into force only after 24.05.2010. The impugned order passed by the Principal Security to the Government clearly indicates that the petitioner herein is governed by the Trust rules of the Transport Corporation Employees (all category including officers).

5.Since the revision of gratuity payment from 3.50 lakhs to 10 lakhs, was gazatised on 18.05.2018 and was duly amended in the Gratuity Act with effect from 24.05.2010, the petitioner herein cannot seek advantage of G.O.235, Finance (PC) Department dated 01.06.2009, which is not applicable to the staff of the Transport Corporation. This Court is in agreement with the said submission. Hence, this Writ Petition is dismissed. No costs.



4.The said GO is passed by the Government, and is not automatically applicable to the Transport corporation, since the transport corporation is a separate entity covered under separate rules and regulations. Therefore, the petitioner is not entitled to both the relief.

5.With the above observations, the Writ Petition is dismissed.
No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-38514[F] dated 14/12/2021)

Order made in:
W.P(MD)No.14909 of 2015

13.12.2021

USK (04.01.2022) 3P 2C