



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P (MD) Nos.7733 to 7735 and 7742 to 7744 of 2017

S.Amir Ibrahim	... Petitioner	in WP(MD)No.7733 of 2017
K.Abdul Nazer	... Petitioner	in WP(MD)No.7734 of 2017
S.Murugavel	... Petitioner	in WP(MD)No.7735 of 2017
N.Duraipandy	... Petitioner	in WP(MD)No.7742 of 2017
M.Nallathambi	... Petitioner	in WP(MD)No.7743 of 2017
P.Gandhi	... Petitioner	in WP(MD)No.7744 of 2017

Vs

1. The Managing Director,
Tamil Nadu State Transport Corporation
Ltd,
Madurai Division,
By-pass road, Madurai - 625 016.
 2. The Financial Advisor,
Chief Accounts Officer,
Tamil Nadu State Transport Corporation
Ltd,
Madurai Division,
Bypass Road, Madurai - 625 016.
- ...Respondents
in all cases

COMMON PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of 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 petitioner and to pay monetary benefits with interest at the rate of 18% per annum payable from the date of the petitioner's retirement to till the date of payment of 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 213th board resolution of the 1st respondent company bearing resolution No.8 dated 25.03.2010.

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



For Petitioner
For Respondents

: Mr.A.Rahul
: Mr.J.Senthil Kumaraiah,
Standing Counsel
all the cases

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COMMON ORDER

The case of the petitioners is that the petitioners were appointed in the respondent Transport Corporation as Junior Assistant (Trainee) and Clerk on various dates and after periodical promotion they they were promoted as Superintendent and they also got retired from service on attaining the age of superannuation. However, the petitioners were not provided with the surrender and encashment of unearned leave on private affair for a period of 90 days. Therefore, the petitioners made representation to the respondents on 10.12.2016 and on 11.12.2016. Since their representations were not considered, the petitioners have filed these writ petitions.

2.The learned Counsel for the petitioners submitted that this Court in a batch of writ petitions in W.P(MD)Nos.223 of 2016, etc., [***S.Venugopal Vs State of Tamil Nadu and Others, date 02.12.2016***] has allowed the writ petitions, filed seeking the very same relief as sought for in these writ petitions and therefore, the learned Counsel prayed for allowing these writ petitions.

3.Per contra, the learned Standing Counsel appearing for the Transport Corporation submitted that the above order referred to by the learned Counsel for petitioners has been challenged before the Hon'ble Division Bench of this Court in W.A(MD)Nos.939 to 944 of 2017, etc., and the Hon'ble Division Bench of this Court by its judgment dated 27.03.2018 allowed the writ appeals by setting aside the order passed in the writ petitions and therefore, the writ petitioners are not entitled to get the relief as sought for in these writ petitions and therefore, the learned Standing Counsel prayed for dismissing these writ petitions.

4.Heard the learned Counsel appearing on either side and perused the materials placed on record.

5.It is seen from records that the Division Bench of this Court in the writ appeals filed against the order passed in ***S.Venugopal***'s case cited supra has allowed the writ appeals by setting aside the order passed by the learned single Judge. While being so, the petitioners cannot seek any relief citing the said order passed in the writ petitions as it has been set aside by the Division Bench. Therefore, the writ petitions are liable to be dismissed.



6. In view of the above discussion, these writ petitions are dismissed. No costs.

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// True Copy //

Sd/-

Assistant Registrar (CS-III)

/ /2021

Sub Assistant Registrar(CS)

dsk

To

1. The Managing Director,
Tamil Nadu State Transport Corporation Ltd,
Madurai Division,
By-pass road, Madurai - 625 016.
2. The Financial Advisor,
Chief Accounts Officer,
Tamil Nadu State Transport Corporation Ltd,
Madurai Division,
Bypass Road, Madurai - 625 016.

+6 CC to Mr.A.K.THANGAVELU, Advocate (SR-11104 TO 11109[F] dated 15/03/2021)

+6 CC to Mr.J.SENTHIL KUMARAIAH, Advocate (SR-11079,11080[F] dated 15/03/2021)

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VB (30.03.2021) 3P 15C