



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)Nos.10772 and 10815, 10816 and 10818 to 10820 of 2017

WEB COPY

- 1 R.V.Subramanian
2. S.Kajendra Babu
3. N.R.Kannan
4. R.Jeyaram
5. R.Kudendran
6. A.Savarimuthu
7. K.Senguttuvan
8. M.Rajendran ... Petitioners in WP(MD)No.10772/2017

- | | |
|--------------------|---------------------------------------|
| 1.N.R. Kannan | ... Petitioner in WP(MD)No.10815/2017 |
| 2.R.Jeyaram | ... Petitioner in WP(MD)No.10816/2017 |
| 3.S.Kajendera Babu | ... Petitioner in WP(MD)No.10818/2017 |
| 4.A.Savarimuthu | ... Petitioner in WP(MD)No.10819/2017 |
| 5.R.Kubendran | ... Petitioner in WP(MD)No.10820/2017 |

Vs

1. The Managing Director,
Tamil Nadu State Transport Corporation
Ltd,
Madurai Division,
Rep by its Managing Director
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 WPS

PRAYER in WP(MD)No.10772/2017: 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.

Prayer in WP(MD). 10815 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 surrender and encashment of unearned leave on private affairs for the period of 90 days to the petitioner and to pay monetary benefits to him with interest at the rate of 18% per annum payable from the date of his retirement 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 213th Board resolution of the 1st Respondent company bearing Resolution No.8 dated 25.03.2010.

Prayer in WP(MD). 10816 of 2017 :

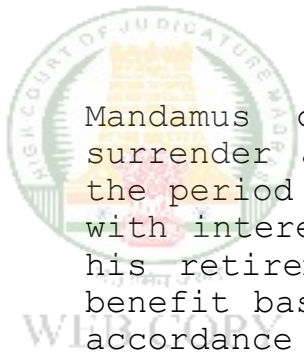
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Prayer in WP(MD). 10818 of 2017 :

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 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 his retirement 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 213th Board resolution of the 1st Respondent company bearing Resolution No.8 dated 25.03.2010.

Prayer in WP(MD). 10819 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 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 his retirement 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 213th Board resolution of the 1st Respondent company bearing Resolution No.8 dated 25.03.2010.

Prayer in WP(MD). 10820 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 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 his retirement 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 213th Board resolution of the 1st Respondent company bearing Resolution No.8 dated 25.03.2010.

In all WPs

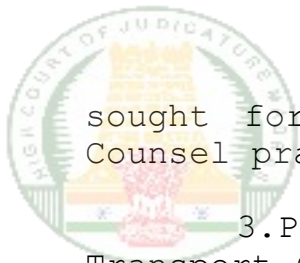
For Petitioner	: Mr.A.Rahul
Respondents	: Mr.J.Senthil Kumaraiah, Standing Counsel

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

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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.

Sd/-

Assistant Registrar (Records)

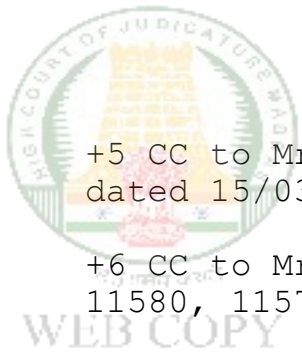
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/ /2021

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 and
Chief Accounts Officer,
Tamil Nadu State Transport Corporation Ltd,
Madurai Division,
Bypass Road, Madurai - 625 016.



+5 CC to Mr.J.SENTHIL KUMARAI AH, Advocate (SR-11092,11078,11094[F]
dated 15/03/2021)

+6 CC to Mr.A.K.THANGAVELU, Advocate (SR-11581, 11584, 11582,
11580, 11576,11575 [F] dated 16/03/2021)

W.P(MD)Nos.10772 and 10815,
10816 and 10818 to 10820 of 2017
12.03.2021

VB (26.03.2021) 5P 14C