



W.P.Nos.14785 of 2021, 16661 of 2021, 16663 of 2021, 17114 of 2021 and 24662 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2023

CORAM

THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P.Nos.14785 of 2021, 16661 of 2021, 16663 of 2021, 17114 of 2021

and 24662 of 2021

and WMP Nos.15669 of 2021, 17650 of 2021

Cause title for WP No.14785 of 2021

1. Pokkuvarathu Kazhaka Oyvu Petra
Aluvalar Nala Sangam, Kovai,
(Regd. No.269/2011),
Rep. by its Secretary,
K.S.Shanmuga Velayutham,
B-25, Cheran Colony, Thudiyalur Post,
Coimbatore – 641 034

2. K.Singaram

... Petitioners

Vs.

1. The Government of Tamil Nadu,
Rep. by its Chairman, State Transport Undertakings and
Additional Chief Secretary to Government,
Transport Department, Secretariat,
Chennai – 600 009.

2. M/s.Tamil Nadu State Transport Corporation Limited,
(Coimbatore Division),
Rep. by its Managing Director,



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No.37, Mettu Palayam Road,
Coimbatore – 641 043.

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3. M/s. State Express Transport Corporation Limited,
Rep. by its Managing Director,
No.2, Pallavan Salai,
Chennai – 2

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to pay the difference in earned leave encashment to the eligible 39 members of the 1st petitioner association herein belongs to the 2nd respondent corporation herein and the 2nd petitioner herein is one of the member of the 1st petitioner association herein belongs to the 3rd respondent corporation herein as per the membership list enclosed as difference in commutation of pension paid to the petitioners and as per the salary revised based on the recommendation of the 7th pay Commission in the light of the orders passed by this Court in the similar case in WP No.16236, 16250 16257, 16270, 16282 and 16287 of 2019 dated 04.11.2019 and the Madurai Division Bench of this Court in the similar cases in W.A.(MD) Nos.716 of 2017 and 718 of 2017 dated 15.06.2017, W.A(MD) Nos.1423 of 2016 dated 25.10.2017, W.A.(MD) Nos.1624 to 1627 of 2016 dated 01.09.2017, and W.A (MD) No.270 of 2018 dated 22.02.2018 with 6% interest.

For Petitioner : Mr.D.Soundar Raj



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For Respondents : Mr.T.Arunkumar for R1 and R3
Mr.T.Chandrasekaran for R2

ORDER

This writ petition has been filed for a direction to the respondents to pay the difference in earned leave encashment to the eligible 39 members of the 1st petitioner association herein belongs to the 2nd respondent corporation herein and for a consequential direction to the 3rd respondent corporation herein to pay the difference in commutation of pension to the petitioners, as per the salary revised based on the recommendation of the 7th pay Commission in the light of the orders passed by this Court in the similar case in WP No.16236, 16250 16257, 16270, 16282 and 16287 of 2019 dated 04.11.2019 and the Madurai Division Bench of this Court in the similar cases in W.A.(MD) Nos.716 of 2017 and 718 of 2017 dated 15.06.2017, W.A(MD) Nos.1423 of 2016 dated 25.10.2017, W.A.(MD) Nos.1624 to 1627 of 2016 dated 01.09.2017, and W.A (MD) No.270 of 2018 dated 22.02.2018 with 6% interest.



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2. The petitioner's association filed this writ petition on behalf of the affected parties, who are the retired employees under the 2nd and 3rd respondent, seeking for payment of difference in Earned Leave Salary and difference in commutation of pension as per the salary revised, based on the recommendation of 7th Pay Commission in the light of the orders passed by this Court.

3. Heard the learned counsel for the petitioners and the learned counsel appearing on behalf of respondents.

4. Since the affected parties have got individual cause of action, the learned counsel for the respondent raised a preliminary objection that the association cannot represent the cause of action of individuals. Hence, the affected parties or in their individual capacity are at liberty to give fresh representation to the respondent Corporation and on receipt of the same, the respondents shall dispose of the same, on its own merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.



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5. These Writ petitions are disposed of accordingly. No costs.

Consequently, the connected miscellaneous petitions are closed.

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Index : Yes

Internet : Yes/No

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R.N.MANJULA, J.

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To

1. The Government of Tamil Nadu,
Rep. by its Chairman, State Transport Undertakings and
Additional Chief Secretary to Government,
Transport Department, Secretariat,
Chennai – 600 009.
2. M/s.Tamil Nadu State Transport Corporation Limited,
(Coimbatore Division),
Rep. by its Managing Director,
No.37, Mettu Palayam Road,
Coimbatore – 641 043.
3. M/s. State Express Transport Corporation Limited,
Rep. by its Managing Director,
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