



WEB COPY



W.P.No.25708 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.01.2024

CORAM :

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.No.25708 of 2019

Tamil Nadu State Transport Corporation
Retired Officers Association (Salem)
Bearing Regn.No.118 of 2013
Rep by its Secretary, M.S.Sellandi
No.1/1, Ragavan Street,
Chinna Tirupathy,
Salem – 636 008.

... Petitioner

-Vs-

1. The State of Tamil Nadu
Rep by the Principal Secretary
Department of Transport Corporation
Fort St.George, Chennai – 9.

2. The Managing Director
Tamil Nadu State Transport Corporation (Salem) Ltd.,
No.12, Ramakrishna Road,
Salem – 636 007.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus or any other appropriate Writ, Order or Direction in the nature of a Writ calling for records relating to the second respondent's order made in Ref. TNSTC/SIm/Legal/Col/Rev/Apl/73/2018 dated 28.09.2018, to quash the



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same and consequently direct the respondents 1 and 2 to forthwith settle the eligible dues of the petitioners annexed to the writ petition directing payment of difference in Death-cum-Retirement Gratuity and that of encashment of unearned leave on private affairs respectively, and to pass such further or other order as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.L.Chandrakumar.
For Respondents : Mr.E.Vijay Anand, AGP for R1.
Mr.G.Anandhakrishnan
for R.Babu - R2.

ORDER

Heard Mr.L.Chandrakumar, learned counsel for the petitioner and Mr.E.Vijay Anand, learned Additional Government Pleader appearing for the first respondent, Mr.G.Anandhakrishnan, learned counsel appearing for the second respondent.

2. The petitioner's association have approached this Court seeking to issue a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order issued by the 2nd respondent in Ref.TNSTC/SIm/Legal/Col/Rev/Apl/73/2018 dated 28.09.2018 and to quash the same and consequently direct the respondents 1 & 2 to forthwith settle the eligible dues of the petitioners annexed to the writ petition directing



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payment of difference in Death-cum-Retirement Gratuity and that of encashment of unearned leave on private affairs respectively.

3. When the matter is taken up for hearing, a decision of learned Division Bench of this Court rendered in W.A(MD)Nos.939 to 944 of 2017 etc., has been produced, in which, the issue raised in the present writ petition has been squarely dealt with in paragraph No.11, which is reproduced below:-

“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



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distant point of time, after they attained the age of superannuation, the question of claiming such a benefit does not arise.”

4. In view of the categoric finding of the learned Division Bench, this Court being bound by the observations of the learned Division Bench, the writ petition has to be necessarily dismissed.

5. Therefore, the writ petition stands dismissed. No costs.

03.01.2024

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Index: Yes/No

Speaking order/Non Speaking order

Neutral Citation: Yes/No

To

1. The State of Tamil Nadu

Rep by the Principal Secretary

Department of Transport Corporation

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2.The Managing Director

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BATTU DEVANAND, J.

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