



W.P.No.33294 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.01.2024

CORAM :

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

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1. C.R.Shunmugam
2. D.Raghupathy
3. P.Chandrasekar
4. R.Nagarajan
5. N.Krishnamoorthy
6. K.Natarajan
- 7.R.Sarvesan
- 8.S.Killivalavan
- 9.K.Narayanan
- 10.M.Doraisingam
- 11.P.T.Thulasiraman
- 12.R.Kalaiselvan
- 13.S.Ramamurthy
- 14.R.Sambandam
- 15.S.Selvaraj
- 16.S.Chakkaravarthy

... Petitioner

-Vs-

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

2. The Managing Director
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
No.3/137, Salamedu, P.B.No.56,
Villupuram – 605 602.

...Respondents



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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 or Order or Direction in the nature of a Writ calling for records relating to the second respondent's order made in Lr.No.1232/L12/TNSTC(VPM)/2019 dated 23.10.2019, to quash the same and consequently direct the respondents 1 and 2 to forthwith settle the eligible dues of the petitioners by 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.M.Aswin, Standing Counsel for 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.M.Aswin, Standing counsel appearing for the second respondent.

2. The petitioners have approached this Court seeking to issue a Writ of Certiorarified Mandamus, to call for the records in pursuant to the



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impugned order issued by the 2nd respondent in

Lr.No.1232/L12/TNSTC(VPM)/2019 dated 23.10.2019, to quash the same and consequently direct the respondents 1 and 2 to forthwith settle the eligible dues of the petitioners by 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.

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,



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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.”

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



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BATTU DEVANAND, J.

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