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W.P.(MD) No.10859 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.10859 of 2017

and

W.M.P.(MD) No.8288 of 2017

P.Karuppukily

... Petitioner

-vs-

Tamil Nadu State Transport
Corporation (Madurai) Ltd.,
rep.by its Managing Director
Madurai

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records pertaining to the impugned order passed by the respondent in Ref:KOO.SA/17460/16 KOOTANMAI – SATTATHURAI, dated 21.01.2017, quash the same and consequently direct the respondents to extend the benefit of encashment of unearned leave on private affairs for 90 days to the petitioner and to pay his monetary benefits accrued thereon together with interest at the rate of 18% per annum payable from the date of retirement of the petitioner till the date on



W.P.(MD) No.10859 of 2017

WEB COPY

which the above monetary benefits are settled within the time stipulated by this Court.

For Petitioner : Mr.A.Rahul

For Respondent : Mr.J.Senthil Kumaraiah
Standing Counsel

ORDER

This writ petition has been filed by the petitioner challenging the order, dated 21.01.2017, passed by the respondent, rejecting the petitioner's request to extend the benefit of encashment of unearned leave on private affairs for ninety days to the petitioner and to pay him the monetary benefits accrued thereon together with interest at the rate of 18% per annum from the date of his retirement till the date on which the above monetary benefits are settled.

2. The subject matter of consideration in this writ petition is covered by a Judgment of the Honourable Division Bench of this Court, dated 27.03.2018, passed in W.A.(MD) Nos.939 to 944 of 2017 and 326 of 2018 batch, in the case of the Tamil Nadu State Transport Corporation (Kumbakonam) Limited and others vs. S.Venugopal and others, which



W.P.(MD) No.10859 of 2017

WEB COPY

involved a similar issue. The Honourable Division Bench of this Court, in the said decision, while allowing the writ appeals filed by the Transport Corporation, has held as follows:

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

3. Since there is no such Leave Rule in respect of the unearned leave on private affairs, the respondent – Transport Corporation has rightly rejected the petitioner's request under the impugned order, in accordance with the decision of the Honourable Division Bench of this Court, referred to supra. This Court does not find any infirmity in the impugned order.



WEB COPY

W.P.(MD) No.10859 of 2017

4. Accordingly, this writ petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

14.08.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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W.P.(MD) No.10859 of 2017

ABDUL QUDDHOSE, J.

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W.P.(MD) No.10859 of 2017
and
W.M.P.(MD) No.8288 of 2017

14.08.2024