



W.P.No.33076 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2025

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P.No.33076 of 2018

S.Stephon,
S/o. Susaisavurimuthu,
No.11/7, 3rd street,
New Kannigapuram Guindy,
Guindy Industrial Estate,
Chennai – 600 032.

... Petitioner

Vs.

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.

2. The Managing Director,
Tamilnadu State Marketing Corporation Limited,
CMDA Tower-II, 4th Floor,
Egmore, Chennai – 600 008.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of mandamus to direct the respondents herein to pay 50% of unearned leave on private affairs on retirement of the petitioner as per G.O.Ms.No.488, Finance (Pension) Department, dated 12.08.1996.

For Petitioner : Mr.S.P.Sudalaiyandi

For Respondent : Mr.T.Chezhiyan
Additional Govt. Pleader for R1
Mr.K.Sathish Kumar
Standing Counsel (TASMAC) for R2



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ORDER

WEB COPY The petitioner has filed this writ petition for issuance of a Writ of mandamus to direct the respondents herein to pay 50% of unearned leave on private affairs on retirement of the petitioner as per G.O.Ms.No.488, Finance (Pension) Department, dated 12.08.1996.

2. The petitioner was appointed as Junior Assistant with the second respondent and he was permitted to retire on 31.10.2018 on his attaining the age of superannuation. The petitioner is entitled to get encashment of 50% of unearned leave on private affairs on his retirement as per G.O.Ms.No.488, Finance (Pension) Department, dated 12.08.1996.

3. Mr.S.P.Sudalaiyandi, the learned counsel for the petitioner, submitted that despite the petitioner has been working under the State Public Corporation, he is also entitled to get the benefit of encashment leave as per Letter No.37568/BPE/2006 dated 28.01.2008.

4. No doubt by issuance of G.O.Ms.No.488, Finance (Pension) Department, dated 12.08.1996, the Government employees are permitted to encash 50% of their unearned leave on private affairs available in their credit at



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the time of retirement up to a maximum of 90 days with full salary. However the Government has clarified further through its Letter No.37568/BPE/2006, Finance (BPE) Department, dated 28.01.2008, that the above benefit is extended to employees of State Public Sector Undertaking / Boards. In fact in the earlier judgment of the Division Bench of this Court held in the case of *Government of Tamil Nadu & ors. Vs. P.Gurusami and ors., dated 29.06.2016 in W.A.Nos.1352/2015 & batch.* it is held that the Government letter is applicable to all the State Public Sector Undertakings. Hence, the petitioner is entitled to the benefit as claimed by him.

5. In the result, the writ petition is allowed and the respondents are directed to consider the case of the petitioner in the light of the above observation and pass orders for allowing the petitioner to encash his 50% of unearned leave on private affairs subject to a maximum of 90 days, within a period of four weeks from the date of receipt of a copy of this order. No costs.

07.02.2025

Index : Yes/No

Neutral citation : Yes/No

Speaking Order/Non-Speaking Order

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R.N.MANJULA, J.

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To:

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.
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