IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10193 of 2017

S.Dhanabalan ..Petitioner

Versus

1. The Controlling Authority and
   Assistant Commissioner of Labour,
   Salem.

2. The Management,
   Tamil Nadu State Transport
   Corporation (Coimbatore) Ltd,
   Chennimalai Road,
   Erode Region, Erode.
   Rep by its General Manager.

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus to direct the 2nd respondent to implement the order dated 26.12.2016 passed by the 1st respondent in PG.No.171/2016 and to pay the balance Gratuity amount of Rs.4,84,876/- along with the interest at the rate of 10% from 01.07.2015 till the date of payment to the petitioner within stipulated time as may be fixed by this Court.

For Petitioner :Mr.I.C.Vasudevan
For Respondents :Mr.S.Gunasekaran
Additional Government Pleader for R1
Mr.P.Kannan Kumar for R2

O R D E R

The writ petitioner served in Tamilnadu State Transport Corporation (Coimbatore) Ltd., and retired from service on attaining the age of superannuation on 31.05.2015. He retired as Special Grade Conductor and the learned counsel for the writ petitioner states that till today, the balance Gratuity amount Rs.4,84,876/- along with the interest at the rate of 10% per annum with effect from 01.07.2015 was not paid to the writ petitioner without any valid reasons and that the writ petitioner was allowed to retire from service and his accrued interest for the gratuity amount was not paid till today.

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2. The learned Additional Government Pleader and the Learned counsel appearing for the 2nd respondent pleads that due to financial crunch they are unable to pay the accrued gratuity amount due to the petitioner.

3. The terminal benefits are the right of an employee. A Conductor who was serving in the Corporation for more than two decades, is entitled for his livelihood. It does not mean a mere life and it includes decent life as ensured under Article 21 of the Constitution of India.

4. The terminal benefits are not bounty and it is a deferred portion of wages for the services rendered by an employee. Hence, non payment of terminal benefits to the employees without any valid reason, is no doubt, a violation of right to Life enshrined under Article 21 of the Constitution of India. The State being a model employer, has to settle the benefits to its employees and immediately after their retirement and it is the duty mandated on the part of the State to settle the terminal benefits. Therefore, this Court is of the view that batch of writ petitions are filed before this Court seeking direction to pay terminal benefits and the attitude of the respondents driving the retired employees to approach this Court under Article 226 of the Constitution of India, is deprecated.

5. In view of the above, this Court is inclined to follow the earlier directions granted by this Court and by following the terms stated therein. Accordingly, the Writ Petition stands disposed of and the respondents are directed to disburse the aforementioned retiral benefit to the petitioner herein, in six equal monthly instalments with effect from September 2017, in the light of the common judgment passed by this Court in W.A. (MD)Nos.383 to 457 of 2015 (K.Rajendran and others Vs. The Tamil Nadu State Transport Corporation, Madurai Limited rep. by its Managing Director, Madurai and others) dated 12.06.2015. It is also made clear that the first instalment shall commence from September 2017. No costs.

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Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

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To

1. The Controlling Authority and
   Assistant Commissioner of Labour,
   Salem

2. The General Manager,
   The Management,
   Tamil Nadu State Transport
       Corporation (Coimbatore) Ltd,
   Chennimalai Road,
   Erode Region, Erode.

+ 1 cc to Mr.I.C.Vasudevan, Advocate,SR.53751

+ 1 cc to Mr.P.Kannan Kumar, Advocate,SR.54494

+ 1 cc to The Govt.Pleader, SR.53967

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SVI(CO)
NR 07/09/2017

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