

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11-09-2017

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THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P. Nos.7605, 10167 to 10171 and 16494 to 16498 of 2017

M.R.Das	....	Petitioner in WP 7605/2017
R.Thangamudiraja	....	Petitioner in WP 10167/2017
K.Sundaram	....	Petitioner in WP 10168/2017
T.Gunasekaran	....	Petitioner in WP 10169/2017
A.Velusamy	....	Petitioner in WP 10170/2017
K.R.Krishnamoorthy	....	Petitioner in WP 10171/2017
V.M.Appusamy	....	Petitioner in WP 16494/2017
P.Sakthivel	0....	Petitioner in WP 16495/2017
P.L.Sampathkumar	....	Petitioner in WP 16496/2017
K.Thangavelu	....	Petitioner in WP 16497/2017
C.Manoharan	....	Petitioner in WP 16498/2017

Vs.

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, Represented by its General Manager

.....Respondents in all WPs

WP 7605/2017 Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to implement the order dated 27.5.2016 passed by the first respondent in PG No.20/2016 and to pay the Gratuity amount of Rs.80,532/- along with the interest at the rate of 10% from 29.2.2012 till date of payment to the petitioner.

WPs 10167 to 10171/2017 Petitions filed under Article 226 of the Constitution of India, to issue Writs of Mandamus, directing the second respondent to implement the order dated 26.12.2016 passed by the first respondent in PG Nos.159, 172, 170, 169 and 161/2016 and to pay the Gratuity amounts of Rs.8,52,600/-,

Rs.5,14,745/-, Rs.4,74,900/-, Rs.3,24,946/- and Rs.4,51,496/- along with the interest at the rate of 10% from 31.3.2014, 31.8.2013, 3.3.2014, 31.10.2014 and 31.3.2014 till date of payment to the petitioner.

WPs 16494 to 16498/2017 Petitions filed under Article 226 of the Constitution of India, to issue Writs of Mandamus, directing the second respondent to pay the balance award amounts and the accrued interest for the gratuity amount of Rs.4,77,245/-, Rs.5,01,383/-, Rs.6,50,088/-, Rs.3,52,074/- and Rs.4,30,374/- at the rate of 10% per annum from 31.3.2015, 31.7.2014, 31.3.2016, 1.5.2016 and 1.5.2016 till date of payment to the petitioner as per the award dated 20.2.2017 passed in PG Nos.200, 207, 212, 205 and 210/16 by the first respondent.

For Petitioner in all WPs : Mr.I.C.Vasudevan

For Respondent-1 in all WPs : Mr.K.Dhananjayan,
Special Government Pleader.

For Respondent-2 in
W.P. 7605/2017
W.P.10167 to 10171/2017
and 16494 to 16498/17 : Mr.P.Paramasivadosh

C O M M O N O R D E R

The writ petitioners were served as Assistant, Selection Grade Assistant Engineer, Special Grade Conductor, Cook, Senior Driver, Senior Tradesman, Senior Tradesman, Senior Tradesman, Selection Grade Driver, Junior Tradesman and Driver respectively, in the erstwhile Tamil Nadu State Transport Corporation (Coimbatore) Ltd., Erode and after completion of 34, 29, 32, 27, 20, 29, 26, 28, 29, 19 and 24 years of service respectively, retired on attaining the age of superannuation on 29.02.2012, 28.2.2014, 31.7.2013, 31.1.2014, 30.9.2014, 28.2.2014, 31.1.2015, 30.6.2014, 28.2.2016, 31.3.2016 and 31.3.2016 respectively and the learned counsel for the writ petitioners states that till today, the terminal benefits are not disbursed to the writ petitioners without any valid reasons and that the writ petitioners were allowed to retire from service and their entitlement for terminal benefits are not paid till today.

2. Learned counsel appearing for the respondent / Corporation pleads that due to financial crunch they are unable to pay the terminal benefits due to its employees.

3. The terminal benefits are right of an employee to lead his livelihood. An employee who served in the Corporation for

more than three decades, is entitled for his livelihood. Life does not mean a mere animal 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, violation of right to Life enshrined under Article 21 of the Constitution of India. The State, being a modal 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 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 benefits to the writ petitioners herein, in twelve equal monthly instalments, 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 01.10.2017. There shall be no order as to costs.

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

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To

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

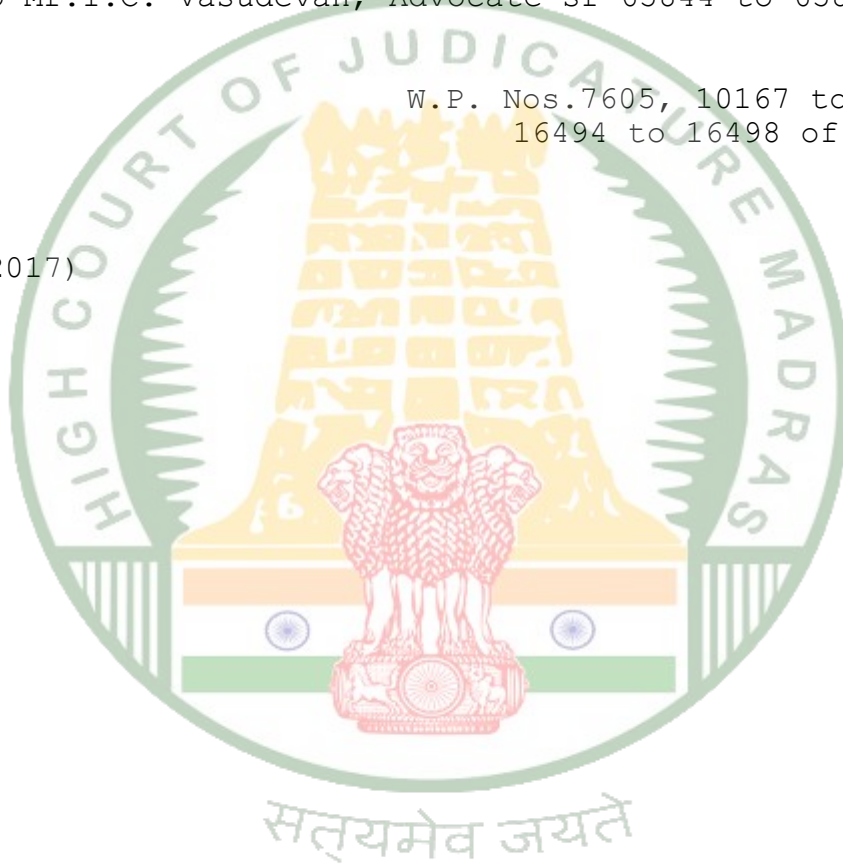
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2.The General Manager
The Management,
Tamil Nadu State Transport
Corporation (Coimbatore) Ltd.,
Chennimalai Road,
Erode Region,
Erode.

+1 CC to Mr.P. Paramasivadosh, Advocate sr 65920
+2 cCs to Mr.P. Kannan Kumar, Advocate sr 66308&66307
+1 CC to Govt. Pleader sr 66431
+11 Ccs to Mr.I.C. Vasudevan, Advocate sr 65844 to 65859.

W.P. Nos.7605, 10167 to 10171 and
16494 to 16498 of 2017

RSY(CO)
sp(05/10/2017)



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