

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25-07-2017

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.4740 of 2017

A.Viswanathan

.. Petitioner

vs.

- 1.The Government of Tamil Nadu,
Represented by the Secretary,
Transport Department,
Secretariat,
St. George Fort,
Chennai-600 009.
 - 2.The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Limited,
No.12, Ramakrishnan Road,
Salem-636 007.
 - 3.The General Manager,
Tamil Nadu State Transport Corporation
(Salem) Limited,
Dharmapuri Region,
Bharathipuram,
Dharmapuri-636 705.
 - 4.The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House,
Pallavan Salai,
Chennai-600 002.
- .. Respondents

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This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to settle the petitioner's retirement benefits including Gratuity, Commutation, EL Surrender, ML Surrender, DA arrears, Settlement arrears, ERBS Pension and IRT amount and in other benefits etc., with interest at the rate of not less than 18% per annum payable from the date of retirement and consequently directing the respondents to pay interest at the rate of 18% per annum for the belated settlement of retirement benefits to the petitioner payable from the date of retirement i.e., 31.8.2013 to till date of actual payment to the petitioner.

For Petitioner : Mr.M.Selvam

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

For Respondents-
2 to 4 : Mr.Paramasivadosh,
Standing Counsel (Transport).

O R D E R

The writ petitioner served as Senior Tradesman in the third respondent-Corporation and after completion of 32 years of service, retired on attaining the age of superannuation on 31.08.2013, and the learned counsel for the writ petitioner states that till today, the terminal benefits are not disbursed to the writ petitioner without any valid reasons and that the writ petitioner was allowed to retire from service and his 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 his 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

petitioner 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 01.09.2017. There shall be no order as to costs.

Sd/-

Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

Svn

To

- 1.The Secretary,
Government of Tamil Nadu,
Transport Department,
Secretariat,
St. George Fort,
Chennai-600 009.
- 2.The Managing Director,
Tamil Nadu State Transport Corporation
(Salem) Limited,
No.12, Ramakrishnan Road,
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- 3.The General Manager,
Tamil Nadu State Transport Corporation
(Salem) Limited,
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Dharmapuri-636 705.
- 4.The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House,
Pallavan Salai,
Chennai-600 002.

+1cc to Mr.M.Selvam,Advocate sr.53114

+1cc to Government Pleader sr.53503

W.P.No.4740 of 2017

ss (9/8/2017)