

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.08.2017

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP.No.21719/2017

S.Ganesan

... Petitioner

Versus

1.The Principal Secretary to Government
Department of Transport, Secretariat
Fort St George, Chennai 600 009.

2.The Managing Director
Tamil Nadu State Transport Corporation (VPM) Ltd.,
3/137, Salamedu Village
Vazhudharreddy Post
Villupuram District.

.... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of mandamus directing the respondents to pay the petitioner [1] the difference in Death cum Retirement Gratuity of Rs.3,52,185/- with 24% interest from 30.09.2009 and the Encashment of Unearned Leave on Private Affairs of Rs.1,16,805/- with 24% interest for the delayed payment from 30.09.2009 within a time frame to be fixed by this Court.

For Petitioner : Mr.V.Ajoy Khose

For Respondents : Mr.R.S.Selvam for R1
Government Advocate

: Mr.P.Paramasivadosh for R2

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ORDER

The writ petitioner served as General Manager at Tamil Nadu State Transport Department in Villupuram and after completion of 31 years 9 months and 12 days of service, voluntarily retired from service on 30.09.2009, 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 voluntarily 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 the right of an employee to lead his livelihood. An employee who was serving 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 these 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 installments, 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 installment shall commence from 01.11.2017. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

dna

To.

1.The Principal Secretary to Government
Department of Transport
Secretariat, Fort St.George
Chennai 600 009.

2.The Managing Director
Tamil Nadu State Transport Corporation(VPM) Ltd.,
3/137, Salamedu Village
Vazhudharreddy Post
Villupuram District.

+1cc to the Government Pleader, S.R.No.59311

W.P. No.21719 of 2017

PA(CO)
GN(05/10/2017)



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