

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.05.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.12317 of 2017

R.Karunanithy

.. Petitioner

Vs.

1. The Government of Tamilnadu
Rep. by the Secretary,
Transport Department,
Secretariat, St.George Fort, Chennai - 600009.
 2. The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Vazhuthareddy,
Villupuram - 605 602.
 3. The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Limited,
Cuddalore Region,
Cuddalore.
 4. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Post Retirement Welfare Fund Scheme
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.
- .. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents to settle the petitioner's retirement benefits including Gratuity, Commutation, EL & ML Surrender, RBS Arrears, IRT amount and DA arrears 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. 31.07.2016 to till date of actual payment to the petitioner within the time.

For the petitioner : Mr.M.Selvam

For the Respondent - 1 : Mr.R.Vijayakumar
Additional Government Pleader

For the Respondent -
2 to 4 : Mr.Antony Arokiaraj

ORDER

The writ petitioner served as a Driver in Thanthai Periyar Transport Corporation, Villupuram and retired from service on attaining the age of superannuation on 31.07.2016. He retired as Selection Grade Driver from Vandalur Depot 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 respondents / 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 eke out his livelihood. A driver who was serving in the Corporation for more than two decades, is entitled for a 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 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 01.06.2017. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

adl

To

1. The Secretary,
The Government of Tamilnadu
Transport Department,
Secretariat, St.George Fort, Chennai - 600009.
2. The Managing Director,
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Chennai - 600 002.

+1cc to M/s.M.Selvam,Advocate sr.37178

+1cc tp Mr.A.Antony Arokiaraj,Advocate sr.37241

W.P.No.12317 of 2017

kj1(co)
ss(12/5/2017)