

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.08.2017

Coram

The Hon'ble Mr.Justice S.M.SUBRAMANIAM

Writ Petition No.21825 of 2017

K.Subramanian

...Petitioner

Vs.

M/s State Express Transport Corporation Ltd.,
Rep. by its Managing Director
No.2, Pallavan Salai
Chennai - 600 002.

...Respondent

Writ Petition, filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondent to settle terminal benefits of Gratuity amount of Rs.10,00,000/-, surrender of Earned Leave and Medical Leave of 191.5 days amount of Rs.3,56,133/-, Social Security Scheme amount of Rs.30,000/-, Erode Engineering College and Perundurai Medical College amount of Rs.4,500/- and altogether a sum of Rs.13,90,633/- with interest at the rate of 6% per annum taking into consideration of petitioner representation dated 01.07.2017.

For Petitioner : Mr.D.Soundar Raj
For Respondent : Mr.R.S.Selvam

ORDER

The writ petitioner served as a Foreman in State Express Transport Corporation Ltd., and retired from service on attaining the age of superannuation on 30.04.2017. He retired as Foreman 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. A Foreman who was served in the Corporation for more than three 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 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 respondent is directed to disburse the aforementioned retiral benefits to the petitioner herein, in twelve equal monthly installments with effect from November 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 November 2017. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

The Managing Director
State Express Transport Corporation Ltd.,
No.2, Pallavan Salai
Chennai - 600 002.

+lcc to Mr.D.Soundar Raj, Advocate, S.R.No.58752
+lcc to Mr.R.S.Selvam, Advocate, S.R.No.59243

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PA(CO)
GN(12/09/2017)