

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.05.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.12357 of 2017

B.Vinayagam

.. Petitioner

Vs.

1. The Principal Secretary to Government,
Transport Department,
Fort St.George, Chennai - 600009.
2. The Managing Director,
Metropolitan Transport Corporation (Chennai) Ltd.,
Pallavan Salai, Chennai - 600 002.
3. The Administrator,
Tamil Nadu State Transport Corporation,
Pension Fund Trust, 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, directing the 2nd and 3rd respondents to disburse the retirement benefits, viz., Earned Leave Surrender Salary Amount of Rs.74,000/-, Pension Commutation Amount of Rs.3,26,400/-, Settlement Arrears Amount of Rs.1,12,800/-, IRT Contribution Amount of Rs.4,600/- and Difference in Gratuity payment of Rs.45,200/- and the total comes to Rs.5,63,000/- (Rupees Five Lakhs Sixty Three Thousand Only) with 18% interest on delayed payment to the petitioner the Foreman Staff No.T00296 who has retired from service on 31.12.2014.

For Petitioner : Mr.D.Veerasekaran
For Respondents : Mr.A.Zakkir Hussain (for R1)
Government Advocate
Mr.P.Kannan Kumar (for R2&R3)

ORDER

The writ petitioner served as a Foreman in Metropolitan Transport Corporation (Chennai) Limited and after completion of 37 years of service, retired on attaining the age of superannuation on 31.12.2014, 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 lead his livelihood. An employee who was serving 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 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. There shall be no order as to costs.

Sd/-
Assistant Registrar/VO

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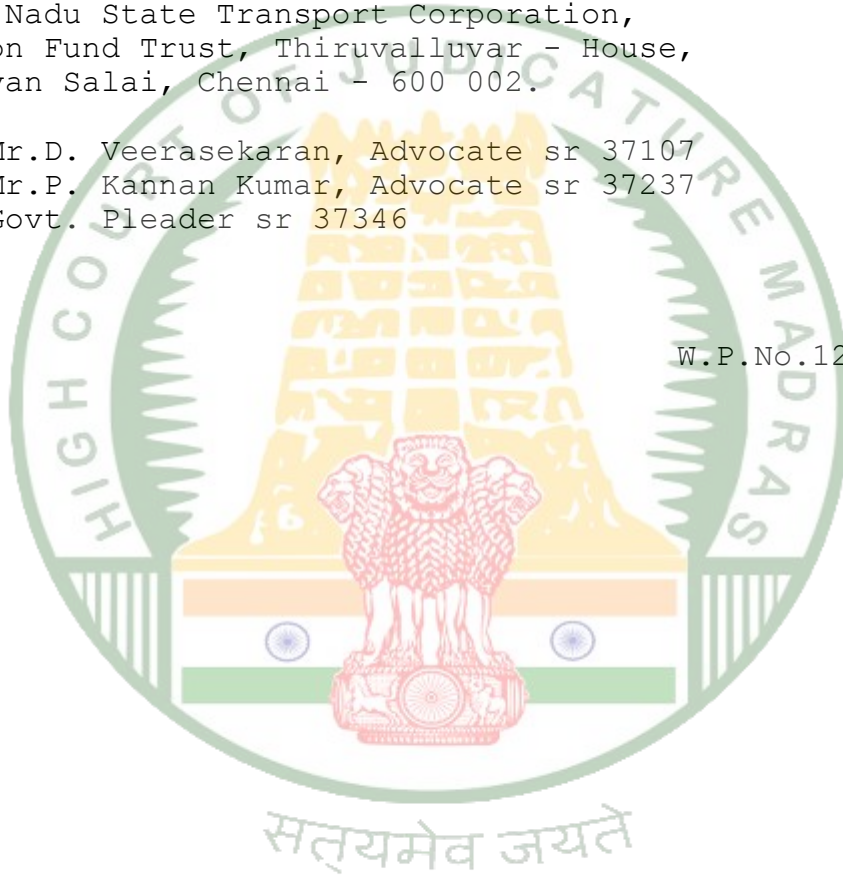
Sub Assistant Registrar

To

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Pallavan Salai, Chennai - 600 002.
- +1 CC to Mr.D. Veerasekaran, Advocate sr 37107
+1 Cc to Mr.P. Kannan Kumar, Advocate sr 37237
+1 CC to Govt. Pleader sr 37346

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VSN(CO)
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