

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.05.2017

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.12363 of 2017

G.Pradaban

... Petitioner

Vs.

1. The Principal Secretary to Government,
Transport Department,
Fort St.George, Chennai - 600 009.
 2. The Managing Director,
Tamilnadu State Transport Corporation (VPM) Ltd.,
3/137, Salamedu, Valuthareddy - Post,
Villupuram - 605 602.
 3. The Administrator,
Tamil Nadu State Transport Corporation,
Provident 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., Gratuity of Rs.6,23,500/-, Earned Leave Surrender Salary Amount of Rs.1,73,700/-, Pension Commutation Amount of Rs.2,78,600/-, Social Security Scheme Fund Amount of Rs.20,000/-, IRT Contribution Amount of Rs.4,600/- and Pension arrears Amount of Rs.4,300/- totally comes to Rs.11,04,700/- (Rupees Eleven Lakhs and Four Thousand and Seven Hundred Only) with 18% interest on delayed payment to the petitioner Staff No.DR06405 who has retired from service on 28.02.2017 as Special Grade Driver in the 2nd respondent's office.

For Petitioner : Mr.D.Veerasekaran

For Respondents : Mr.A.Zakkir Hussain (for R1)
Government Advocate
Mr.A.Antony Arockia Raja
for R2 & R3

ORDER

The writ petitioner served as a Driver in Tamilnadu State Transport Corporation (VPM) Limited, and after completion of 28 years of service, retired as a Special Grade Driver, on

attaining the age of superannuation on 28.02.2017, 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 two 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(V.O)

//True Copy//

Sub Assistant Registrar

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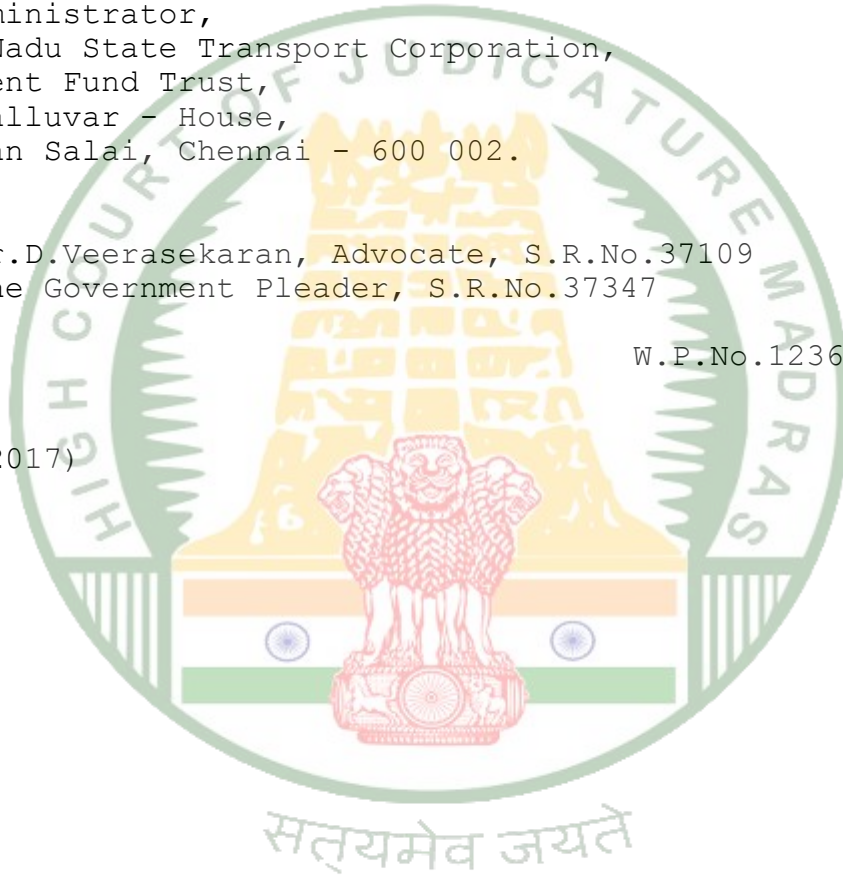
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+1cc to Mr.D.Veerasekaran, Advocate, S.R.No.37109

+1cc to the Government Pleader, S.R.No.37347

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RSY (CO)
CA(23/05/2017)



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