

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.05.2017

CORAM :

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

WRIT PETITION NO.12737 OF 2017

G.Dass

.. Petitioner

Vs.

1.The Government of Tamil Nadu
Rep. by the Secretary
Transport Department
Secretariat, St. George Fort,
Chennai - 600 009.

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
Kancheepuram Region
Kancheepuram.

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, to issue a Writ of Mandamus, directing the respondents to settle the petitioner's retirement benefits including Gratuity, Commutation, EL Surrender, RBS Arrears, IRT amount, DA arrears, Settlement Arrears, Employees Welfare fund amount and pension 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., 31.03.2015 to till date of actual payment to the petitioner within the time that may be stipulated by this Court.

For Petitioner : Mr.M.Selvam

For Respondents: Mr.P.Kannan Kumar
Standing Counsel

O R D E R

Mr.P.Kannan Kumar, learned Standing Counsel, accepts notice on behalf of the respondents. By consent, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner has filed the present writ petition seeking for a direction to the respondents to settle his retirement benefits including Gratuity, Commutation, EL Surrender, RBS Arrears, IRT amount, DA arrears, Settlement Arrears, Employees Welfare fund amount and pension arrears with interest at the rate of not less than 18% per annum payable from the date of retirement and for a consequential direction to 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., 31.03.2015 to till date of actual payment.

3. The case of the petitioner is that though he is retired from service on 31.03.2015, on attaining the age of superannuation, till date, terminal benefits were not settled to him, without any valid reasons.

4. 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.

5. 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 model employer, has to settle the benefits to its employees 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. In view of the above, this Court is inclined to follow the earlier directions granted by this Court and by following the terms stated therein.

6. 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 K.RAJENDRAN AND OTHERS VS. THE TAMIL NADU STATE TRANSPORT CORPORATION, MADURAI LIMITED REP. BY ITS MANAGING DIRECTOR, MADURAI AND OTHERS [W.A.(MD) NO.383 TO 457 OF 2015 decided on 12.06.2015]. It is also made clear that the first instalment shall commence from 01.06.2017. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

TK

To

1.The Secretary

Government of Tamil Nadu
Transport Department
Secretariat, St. George Fort,
Chennai - 600 009.

2.The Managing Director

Tamil Nadu State Transport Corporation
(Villupuram) Limited
Vazhuthareddy, Villupuram - 605 602.

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Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme
Thiruvalluvar House, Pallavan Salai,
Chennai - 600 002.

+ 1 cc to Mr.M. Selvam, Advocate Sr.37619

+ 1 cc to Mr.P. Kannan Kumar, Advocate Sr.37709

+ 1 cc to Government Pleader Sr.37682

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KS(CO)

EU 25.5.17