

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.07.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P. No.1594 of 2017

S.Janarthanam

...Petitioner

Vs

1. Tamil Nadu State Transport Corporation,
(Villupuram) Ltd.,
Rep.by its Managing Director,
3/137, Salamedu, Vazhudhareddi Post,
Villupuram - 605 602.

2. The General Manager,
Tamil Nadu State Transport Corporation,
(Villupuram) Ltd.,
Tiruvannamalai Region,
Tiruvannamalai.

...Respondents

Prayer: Petition filed Under Article 226 of the Constitution of India to issue of Writ of Mandamus, directing the respondents herein to settle the remaining terminal benefits due to the petitioner taking into account as as per the 12th Wage Settlement dated 13.04.2015 along with interest at 12% per annum, namely Gratuity, Commutation, Earned Leave Surrender Payment, difference in salary for the period 01.09.2013 to 30.06.2014 and 10 days earned salary due from 21.06.2014 to 30.06.2014 within a time frame.

For Petitioner : Mr.K.M.Ramesh

For Respondents: Mr.P.Kannan Kumar for R1 and R2

O R D E R

The writ petitioner served as a driver on 25.04.1996 at Tamil Nadu State Transport Corporation Ltd., in Villupuram and after completion of 18 years of service he retired from service on 30.06.2014, 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 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 the 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. Life does not mean a mere animal 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, 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 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 these 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 installments, 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 installment shall commence from 01.09.2017. There shall be no order as to costs.

s/d-

Assistant Registrar(CS-VIII)

True Copy

Sub-Assistant Registrar

vv/kas

To

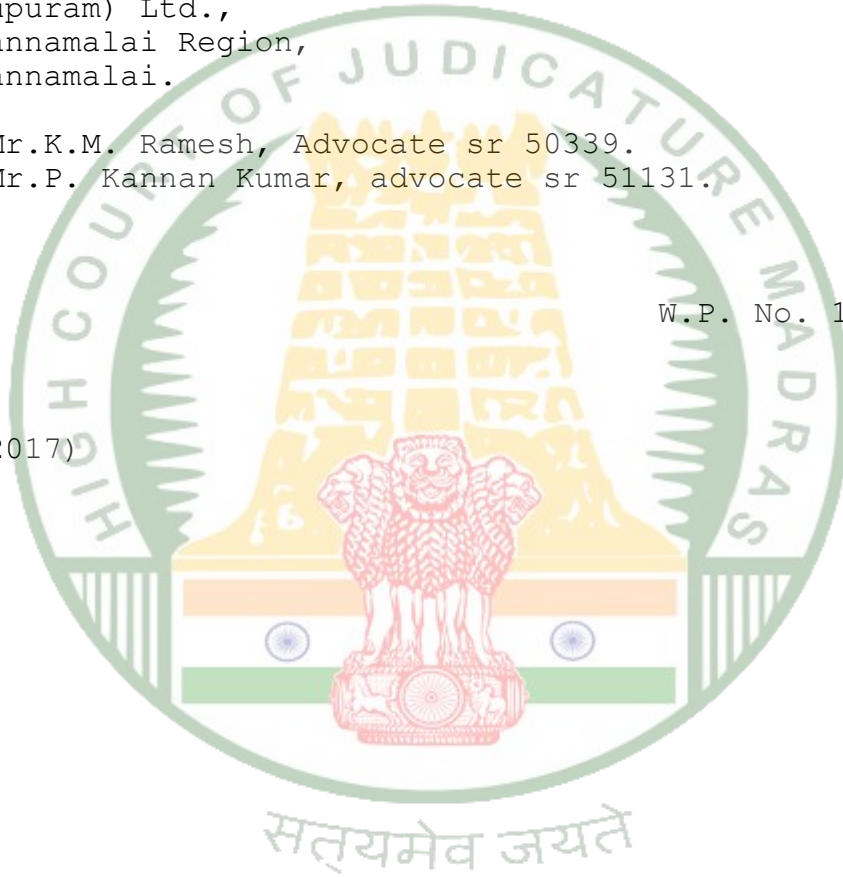
1. The Managing Director,
Tamil Nadu State Transport Corporation,
(Villupuram) Ltd.,
3/137, Salamedu, Vazhudhareddi Post,
Villupuram - 605 602.
2. The General Manager,
Tamil Nadu State Transport Corporation,
(Villupuram) Ltd.,
Tiruvannamalai Region,
Tiruvannamalai.

+1 CC to Mr.K.M. Ramesh, Advocate sr 50339.

+1 CC to Mr.P. Kannan Kumar, advocate sr 51131.

W.P. No. 1594 of 2017

VD(CO)
sp(03/08/2017)



WEB COPY