

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.07.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No.16813 of 2017

K.Bhaskaran

.. Petitioner

Vs

1. The Government of Tamil Nadu
rep. by its Principal Secretary
Transport Department
Secretariat, Fort St.George
Chennai 600 009.

2. State Express Transport Corporation Ltd.,
(Old Name Thiruvalluvar Transport
Corporation Ltd.,)
rep. by its Managing Director
Pallavan Salai, Chenai 600 002.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Mandamus, to direct the respondents to settle the retirement benefits payable to the petitioner namely, Encashment of unearned leave on private affairs order in Government letter No.37568/BPE/2006 dated 28.01.2008 with interest of 18% on delayed payment to the petitioner from 30.09.2012, the date of retirement to till the date of settlement of the above terminal benefits to the petitioner by following the order passed in W.A.(MD) Nos. 383 to 457 of 2015 dated 12.06.2015.

For Petitioner : Mr.V.S.Jagadeesan

For Respondents : Mr.K.Dhananjayan -R1
Special Govt. Pleader

Mr.P.Kannan Kumar - R2

O R D E R

The writ petitioner served as Superintendent in the erstwhile Thiruvallurvar Transport Corporation Ltd., (Express), Chennai and after completion of 32 years of service, retired on attaining the age of superannuation on 30.09.2012, 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 to lead his livelihood. An employee who served 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 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 01.08.2017. There shall be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

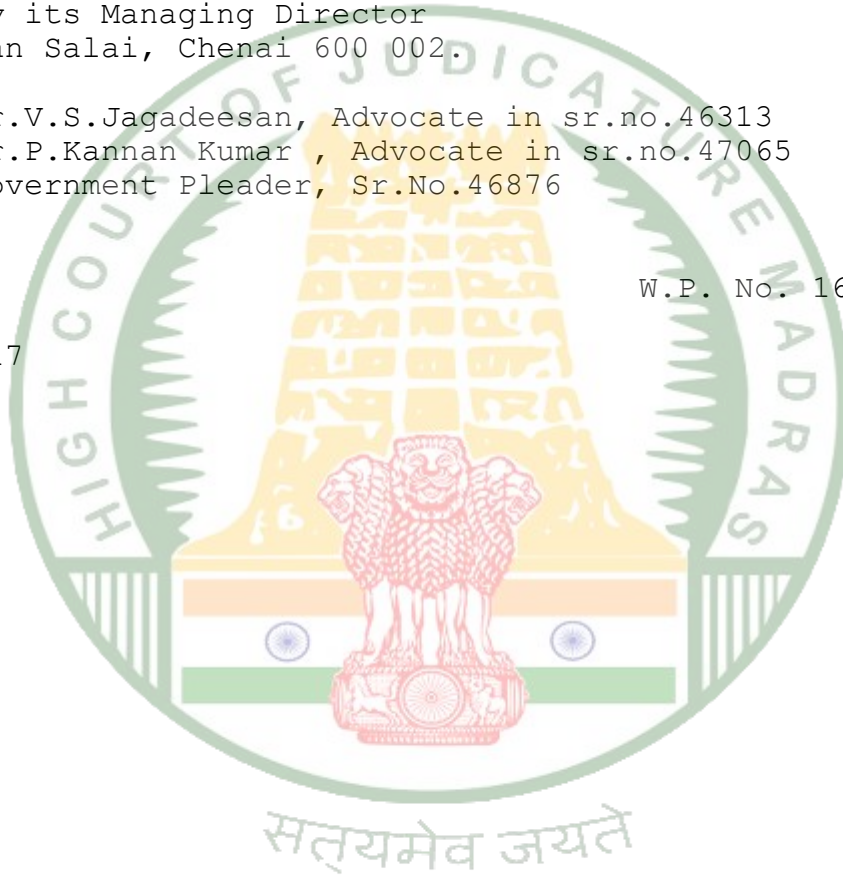
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To

1. The Government of Tamil Nadu
rep. by its Principal Secretary
Transport Department
Secretariat, Fort St.George
Chennai 600 009.
 2. State Express Transport Corporation Ltd.,
(Old Name Thiruvalluvar Transport
Corporation Ltd.,)
rep. by its Managing Director
Pallavan Salai, Chennai 600 002.
- +1cc to Mr.V.S.Jagadeesan, Advocate in sr.no.46313
+1cc to Mr.P.Kannan Kumar , Advocate in sr.no.47065
+1cc to Government Pleader, Sr.No.46876

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CS/18/07/17



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