

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.05.2017

CORAM

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

W.P.No.1703 of 2017

V.Ramaswamy

.. Petitioner

vs

1. The Managing Director,
Metropolitan Transport Corporation (Chennai) Ltd.,
Pallavan House,
Pallavan Salai,
Chennai - 600 002.

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

.. Respondents

Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to settle the petitioner's retirement benefits including gratuity, pension arrears, computation, leave surrender. Dearness allowance, deposits for engineering medical & polytechnic colleges, arrears of State Transport Retired Employee Benefit Scheme (STREBS) of Rs.1000/- for the months from April to November, 2016, ERBS Pension (Earned Leave and Medical Leave) and all other attendant retirement benefits etc., with interest at the rate of not less than 12% per annum payable from the date of retirement i.e., 28.02.2015 to till the payment to be made to the petitioner within the time stipulated by this Hon'ble Court.

For Petitioner : Ms.K.Karthikeyayeni

For Respondents : Mr.K.Venkataramani,
Additional Advocate General
assisted by Mr.P.Paramasivadoss

O R D E R

The writ petitioner was employed as a Driver in the Tamil Nadu State Transport Corporation and he voluntarily retired from service with effect from 28.02.2015. The writ petitioner was allowed to retire from service and till today, the terminal benefits including DCRG, pension computation, leave encashment, dearness allowance, etc have not been paid. The writ petitioner was making representations and approaching the respondents for settlement of his terminal benefits, but they are delaying the matter without any reason.

2. The learned counsel appearing for the writ petitioner cited the judgment of this Court in W.P.No.4649 of 2016, dated 08.02.2016. Further, he contended that the Transport Corporations are in the habit of not settling the terminal benefits to many employees by citing the financial crunch. Therefore, this Court was passing orders in many such writ petitions issuing direction to settle the terminal benefits. In order to gain time, the respondents are waiting for such directions, though the terminal benefits are the legal entitlement of the employees who are allowed to retire from service. The conduct of the Transport Department in delaying the settlement of terminal benefits, is to be deprecated. The State should be a model employer and the Transport Corporation being a State, failed to behave as a model employer. Such practices of delayed settlement terminal benefits, will cause great prejudice to the retired employees and their family members. The right of livelihood (decent life as contemplated under Article 21 of the Constitution of India) will be affected. A life does not mean a mere life for an employee, who was serving in the public Corporations for a considerable length of time. In the event of non settlement, the employees will be deprived of a decent life, which is in violation of Article 21 of the Constitution of India. Therefore, in such cases, the Courts have to consider awarding of heavy compensation taking into account the latches committed by the Corporation in settling the terminal benefits.

3. The order passed in W.P.No.4649 of 2016, dated 08.02.2016, para 4, is squarely applicable to the facts and circumstances of the case on hand, which is extracted hereunder:-

"4. Since the issue is squarely covered by the various orders passed by this Court, in the light of the Hon'ble Division Bench judgment in W.A.(MD) Nos.383 to 457 of 2015 dated 12.06.2015 (K.Rajendran and others v. The Tamil Nadu State Transport Corporation (Madurai) Limited represented by its Managing Director, Madurai and others), this writ

petition is disposed of with a direction to the respondent to settle the entire terminal benefits due and payable to the petitioner through twelve equal monthly installments carrying interest of 6% p.a. The installments should commence from March, 2016 and each of the installments should be paid on or before 7th of each month. In case of any delay in the payment of the installments, the interest payable would become 18% p.a. for the delayed period apart from any other remedy which may be available to the petitioner for such non-payment of the installments. No costs.

4. In view of the above pronouncement of this Court, the writ petition on hand deserves consideration and accordingly, the respondents are directed to settle all the retirement benefits.

5. In the light of the above order, the respondents are directed to settle all the terminal benefits to the petitioner in 12 equal monthly installments carrying interest at the rate of 6% per annum. In case of any delay in paying the installments, the interest payable would become 18% per annum for the delayed period, apart from the other remedies which is available to the petitioner for such delay of non-payment of terminal benefits.

6. The writ petition stands allowed. No costs.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

srn/asi

To

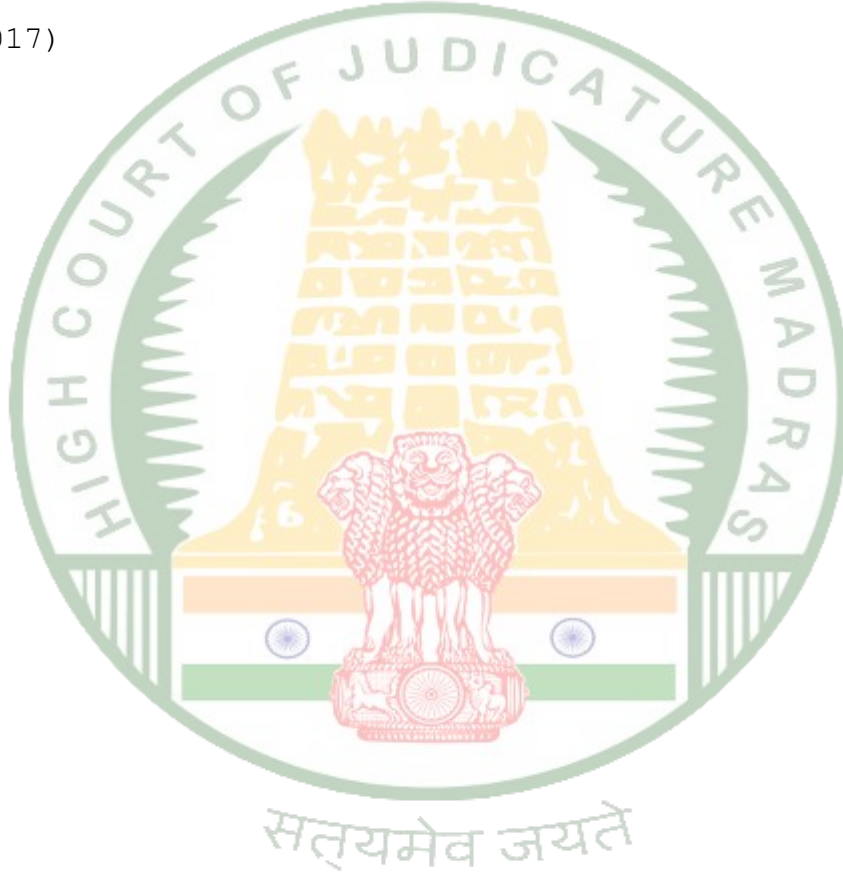
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+1cc to M/s.Karthiyayeni,Advocate sr.36988

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rsk(co)
ss(12/5/2017)



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