

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.07.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.17494 of 2017

S.Thangamani

.. Petitioner

Versus

The Tamil Nadu State Transport Corporation Ltd,
Coimbatore Division I
Rep by its Managing Director,
No.37,Mettupalayam Road,
Coimbatore.

...Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus directing the respondent herein to settle all service benefits to the petitioner with interest and to pay interest for the delayed payments made to the petitioner in respect of gratuity .

For Petitioner :Mr.Venkataswamy Babu

For Respondent :Mr.A.Antony Arockiyaraza

O R D E R

By consent the main writ petition itself taken up for final hearing at the admission stage itself.

2. The writ petitioner's husband served as a Superintendent in Tamil Nadu State Transport Corporation Limited, and died on 31.12.2015. The learned counsel for the writ petitioner states that till today, the death cum retirement benefits are not disbursed to the writ petitioner, except the gratuity amount of Rs.6,82,063/- (Rupees Six lakhs eighty two thousand and sixty three only)

3. The learned counsel appearing for the respondent pleads that due to financial crunch they are unable to pay the death cum retirement benefits due to the writ petitioner.

4. The death cum retirement benefits are right of an employee's family. A Superintendent who served in the Corporation for more than two decades, and died on 31.12.2015 and his family is entitled for their 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 death cum retirement benefits are not bounty and it is a deferred portion of wages for the services rendered by an employee. Hence, non payment of death cum retirement benefits to the family of 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 and immediately after their retirement/death and it is the duty mandated on the part of the State to settle the death cum retirement 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.

6. 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 death cum retirement benefits to the petitioner herein, in eight equal monthly instalments with effect from August 2017, 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 August 2017. No costs.

Sd/-
Assistant Registrar(CS III)

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Sub Assistant Registrar

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To

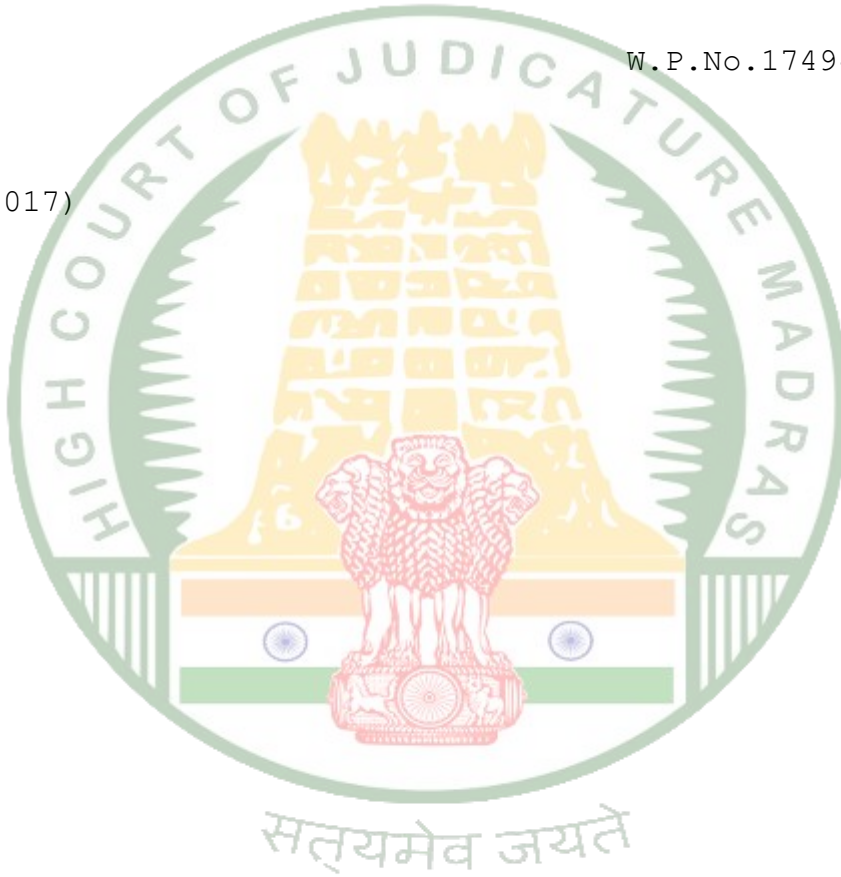
The Managing Director
The Tamil Nadu State Transport Corporation Ltd,
Coimbatore Division I
No.37,Mettupalayam Road,Coimbatore.

+1cc to M/s.A.Antorny Arockiaraj, Advocate, S.R.No.18232

+1cc to M/s.Venkataswamy Babu, S.R.No.48190

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KK (CO)
CU (10/08/2017)



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