

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :24.07.2017

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

W.P. No.17600 of 2017

S.N.Prakash

.. Petitioner

Vs

1.The Managing Director
Tamil Nadu State Transport
Corporation (Coimbatore) Ltd.,
Mettupalayam Road
Coimbatore – 43.

2.The General Manager
Tamil Nadu State Transport
Corporation (Coimbatore) Ltd.,
Erode Division
Chennimalai Road, Erode-1.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Mandamus, to direct the first respondent herein to forth with sanction the pension and pay the gratuity amount due to the petitioner with interest @ 12% per annum.

For Petitioner : Mr.K.V.Shanmuganathan

For Respondents : Mr.P.Kannan Kumar

ORDER

The writ petitioner joined the services of the Tamil Nadu State Transport Corporation Ltd., on 10.08.1991 as a Conductor. On 18.09.1996, a charge memo was issued, alleging that he had absented from duty from 01.09.1996 and after enquiry the petitioner was removed from service. Challenging the order of removal, the petitioner preferred a Claim Petition before the Labour Court, under the I.D.Act. The Labour Court, Salem, after a trial, passed an award dated 30.04.1998, by setting aside the order of termination and directed the Management to reinstate the writ petitioner in service with continuity of service and all other benefits, but, without backwages. As against the said Award, the Management preferred a writ petition before this Court in W.P.No.19233 of 1998 and during the pendency of the writ petition, the petitioner was reinstated in service and ultimately, the writ petition filed by the Management was dismissed on 16.5.2003 and the award of the Labour Court, Salem was confirmed. The petitioner was retired from service on attaining the age of superannuation on 31.05.2015.

2.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 though

allowed to retire from service, his entitlement for terminal benefits are not paid till today.

3.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.

4.The terminal benefits are the rights of an employee to lead his livelihood. An employee who served in the Corporation for more than two decades, is entitled for his livelihood. Life does not mean a mere animal life, but, it includes a 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, 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 the batch of writ petitions filed before this Court seeking a 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 to be deprecated.

6. In view of the above, this Court is inclined to follow earlier directions granted by this Court and by following the terms and conditions as 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 01.09.2017. There shall be no order as to costs.

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24.07.2017

To

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2.The General Manager
Tamil Nadu State Transport
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S.M.SUBRAMANIAM,J.

rpa



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