IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2017

CORAM

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

W.P. No.17605 of 2017

V.Sitthardhan ... Petitioner

Vs

1. The State of Tamil Nadu rep.
   by Its Principal Secretary,
   Transport Department,
   Fort St. George, Chennai-9.

2. The Managing Director
   State Express Transport Corporation(TN) Ltd.,
   Chennai-600 002. ... Respondents

Prayer: Petition filed Under Article 226 of the Constitution of India to issue of Writ of Mandamus, directing the second respondent to settle all eligible retirement benefits of the petitioner as sought for in his representation dated 04.05.2017 including interest thereto on such belated payment within a time to be stipulated by the Court.

For Petitioner : Mr.V.Dinesh

For Respondents : Mr.K.Dhanan jayan for R1
Special Government Pleader

: Mr.P.Kannan Kumar for R2

O R D E R

The writ petitioner served as Selection Grade Senior Conductor at Tamil Nadu State Transport Transport Corporation (TN) Ltd., Chennai and after completion of 28 years of service he retired from service on 30.09.2016, 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 voluntarily retire from service and his entitlement for terminal benefits are not paid till today.

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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 and means 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 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 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.

Sd/-
Assistant Registrar(CS V)

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Sub Assistant Registrar

kas/smn

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To

1. The Principal Secretary to Government
   State of Tamil Nadu
   Transport Department,
   Fort St. George, Chennai-9.

2. The Managing Director
   State Express Transport Corporation (TN) Ltd.,
   Chennai-600 002.

+1cc to Mr.P.Kannan Kumar, Standing Counsel for TNSTC,
S.R.No.49037
+1cc to Mr.L.Chandra Kumar, Advocate, S.R.No.49157
+1cc to the Government Pleader, S.R.No.49089

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