

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.07.2017

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP.No.17788 to 17790/2017

A.C.Arthanariswaran
(P.R.No.J03851)

...Petitioner in W.P.No.17788/2017

M.Subramanian
(P.R.No.J03903)

...Petitioner in W.P.No.17789/2017

R.Mahalingam
(P.R.No.J03548)

...Petitioner in W.P.No.17789/2017

Versus

The Tamil Nadu State Transport
Corporation Ltd,
37, Mettupalayam Road,
Coimbatore-641 043
Represented by its Managing Director

....Respondents in all Writ Petitions

Common Prayer: Writ petitions filed under Article 226 of the Constitution of India praying for issuance of Writs of Mandamus directing the respondent to pay the petitioners all the retirement benefits including provident fund, Leave Salary Amount and all other benefits with interest at the rate of 18% per annum within the time frame that may be stipulated by this Court and to grant them the interest at the rate of 18% per annum for the belated settlement of their eligible benefits from the date of retirement to till the date of settlement by the respondent within the time frame that may be stipulated by this Court.

For Petitioner : Mr.A.Rajendiran
For Respondents: Mr.P.Kannan Kumar (Transport)
(in all WP's)

COMMON ORDER

The writ petitioners served as Selection Grade Driver at Tamil Nadu State Transport Depot in Mettupalayam Road, Coimbatore and after completion of 30 years of service,

voluntarily retired from service on 31.05.2016 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 petitioners were allowed to voluntarily retire from service and their entitlement for terminal benefits were 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 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 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 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 01.10.2017. There shall be no order as to costs.

Sd/-

Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

To
The Managing Director,
The Tamil Nadu State Transport
Corporation Ltd,
37, Mettupalayam Road,
Coimbatore-641 043.

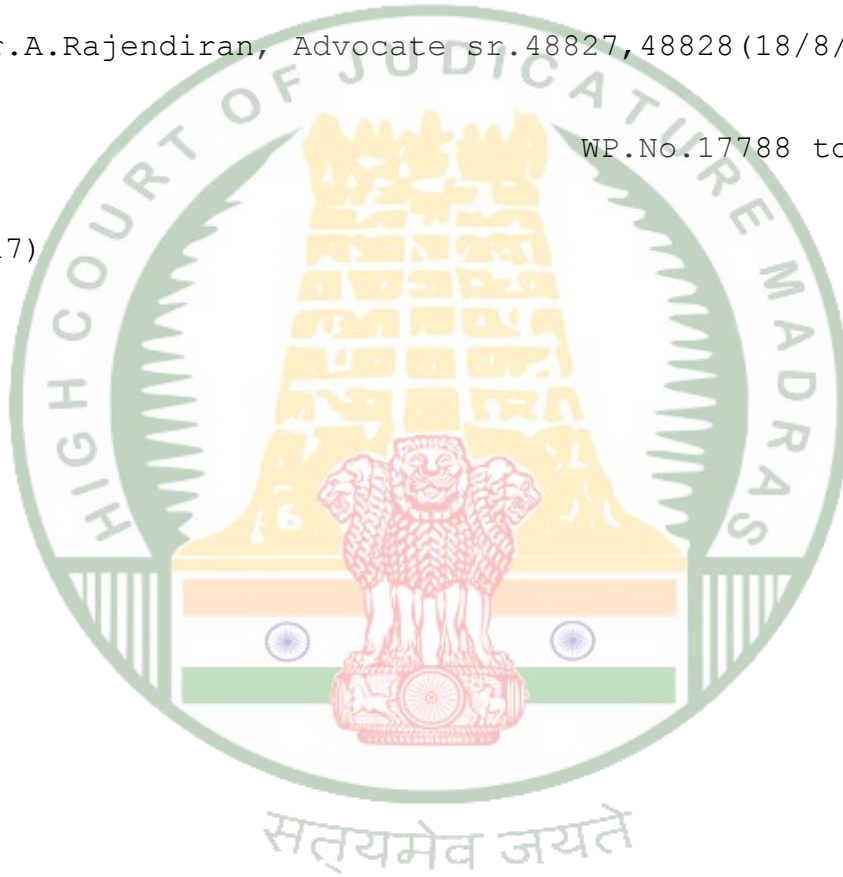
+1cc to M/s.A.Rajendiran,Advocate sr.48826

+1cc to M/s.P.KannanKumar,Advocate sr.49035

+2cc to Mr.A.Rajendiran, Advocate sr.48827,48828(18/8/2017)

WP.No.17788 to 17790/2017

rr(co)
ss(4/8/2017)



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