

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2017

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WRIT PETITION No. 18394 of 2017

R.Balu

... Petitioner

Vs.

1. The Government of Tamil Nadu,
rep.by Principal Secretary to Government,
Transport Department,
Fort. St. George,
Chennai - 600 009.
2. The Managing Director,
Tamil Nadu State Transport Corporation (CBE) Ltd,
37, Mettupalayam Road,
Coimbatore - 641 043.
3. The Administrator,
Tamil Nadu State Transport Corporation
Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai,
Chennai - 600 002.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd and 3rd respondents to disburse the retirement benefits of provident fund contribution amount Rs.8,21,046/-, Gratuity amount of Rs.8,51,434/-, and Earned Leave Salary amount of Rs.5,52,000/-, Leave on private affairs amount of Rs.1,50,000/-, Pension arrears amount of Rs.1,750/- and Institute of Road Transport contribution amount of Rs.4,600/- and the total comes to Rs.23,80,830 (Rupees Twenty three lakhs eighty thousand eight hundred and thirty only) with 18% interest on delayed payment to the petitioner who is retired from service on 31.05.2017 as Selection Grade Superintendent in the 2nd respondent's office.

For Petitioner : Mr.D.Veerasekaran

For Respondents : Mr.K.Dhanajeyan
Special Government Pleader
for R1

Mr.P.Kannan Kumar
for R2 and R3

O R D E R

The writ petitioner had joined as Junior Assistant on 08.06.1987 in the erstwhile Transport Corporation and permanently transferred to Cheran Transport Corporation, Coimbatore on 01.11.1994. After amalgamation with Jeeva Transport Corporation Limited, the said Corporation was renamed as Tamil Nadu State Transport Corporation (CBE) Ltd. The petitioner service was regularised in the Corporation as Junior Assistant. The petitioner was promoted as Superintendent by the 2nd respondent on 01.11.2013. The petitioner was allowed to retire from service on 31.05.2017 and he was relieved with appreciation of his service.

2. The learned counsel for the writ petitioner states that till today, the retirement benefits are not disbursed to the writ petitioner without any valid reasons and that the writ petitioner was allowed to retire from service and his entitlement for retirement 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 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.

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 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.

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 retiral benefits to the petitioner herein, in twelve equal monthly installments, 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 installment shall commence from 01.09.2017. There shall be no order as to costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

kak/maya

सत्यमेव जयते

To

1. The Principal Secretary to Government,
The Government of Tamil Nadu,
Transport Department,
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2. The Managing Director,
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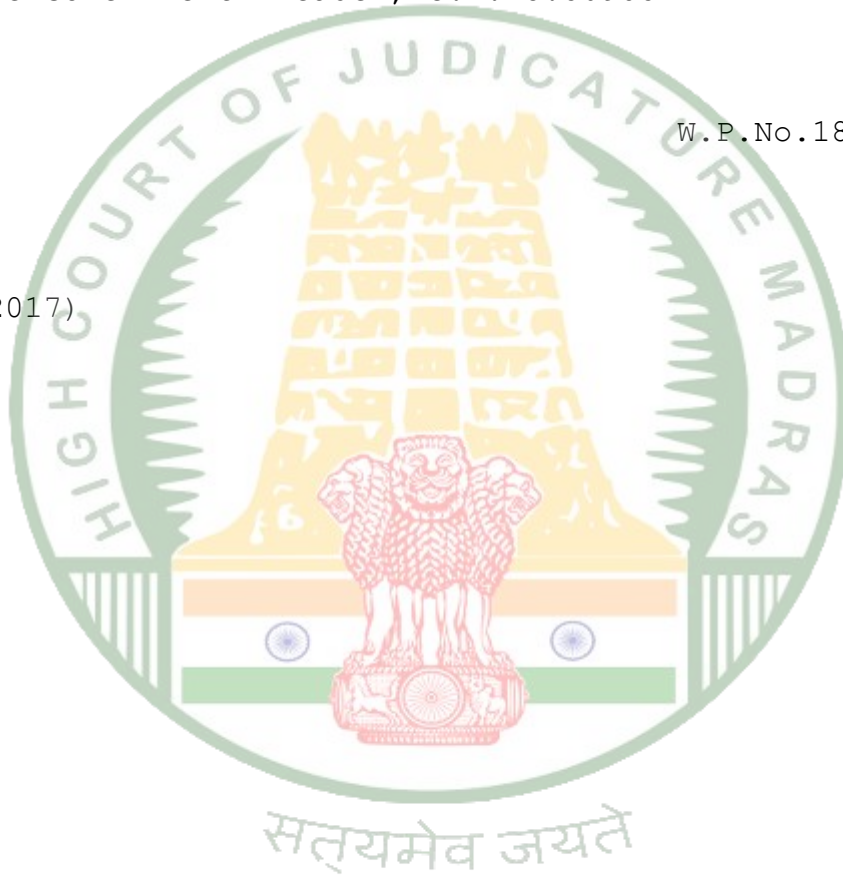
+1cc to M/s.D.Veerasekaran, Advocate, S.R.No.50541

+1cc to M/s.P.Kannan Kumar, Advocate, S.R.No.51126

+1cc to the Government Pleader, S.R.No.50985

W.P.No.18394 of 2017

RK (CO)
CU(18/08/2017)



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