

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.07.2017

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

W.P. No.18483 to 18487 of 2017

M.Chandrasekaran

.. Petitioner in
WP.No.18483/2017

N.Krishnan

.. Petitioner in
WP.No.18484/2017

K.Nagarajan

.. Petitioner in
WP.No.18485/2017

A.Thangaraj

.. Petitioner in
WP.No.18486/2017

L.Pitchaiah

.. Petitioner in
WP.No.18487/2017

Vs

1.The State of Tamil Nadu,
rep.by its Principal Secretary,
Transport Department,
Fort St.George,
Chennai-600 009.

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

.. Respondents in
all WPs

COMMON PRAYER : Petitions filed Under Article 226 of the Constitution of India to issue of Writ of Mandamus direct the second respondent to disburse the retirement benefits with interest as described in the petitioners' representations dated 24.02.2017, 25.02.2017, 24.02.2017. 24.02.2017 and 24.02.2017 respectively.

For Petitioner : Mr.A.Murugan
For Respondents : Mr.K.Dhananjayan, Spl GP for R1
Mr.P.Kannan Kumar for R2

COMMON ORDER

The writ petitioners are working as Conductors at the State Express Transport Corporation (TN) Ltd., Chennai and after completion of more than 25 years of their respective services, retired from service on 30.06.2011, 28.02.2015, 30.04.2014, 31.03.2014 and 31.12.2015 respectively, and the learned counsel for the writ petitioners states that till today, the terminal benefits are not disbursed to the writ petitioners without any valid reasons and that the writ petitioners were allowed to retire from service and their entitlement for terminal benefits are not paid till today.

2. Learned counsel appearing for the 2nd 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 employees to lead his

livelihood. An employees who were serving in the Corporation for more than three decades, is entitled for their 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 employees. 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 Petitions stand disposed of and the respondents are

directed to disburse the aforementioned retiral benefits to the petitioners herein, in twelve equal monthly instalments, in the light of the common

S.M.SUBRAMANIAM,J.
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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.

21.07.2017

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To

- 1.The State of Tamil Nadu,
rep.by its Principal Secretary,
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Chennai-600 009.
- 2.The Managing Director,
State Express Transport Corporation
(Tamil Nadu) Ltd.,
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