

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2017

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.18838 of 2017

V.Manoharan

..Petitioner

Versus

1. The Controlling Authority and Assistant Commissioner of Labour, Salem.
 2. The Management, Tamil Nadu State Transport Corporation (Salem) Ltd, 12, Ramakrishna Road, Salem.
Rep by its General Manager.
- ...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus directing the 2nd respondent to pay the balance award amount and the accrued interest for the gratuity amount of Rs.4,93,145.00 at the rate of 10% per annum from 01.08.2013 till date of payment to the petitioner as per the award dated 04.11.2015 passed in PG.No.61/2015 by the 1st respondent as modified by the appellate authority in AGA 167/2016 dated 29.11.2016 within stipulated time as may be fixed by this Hon'ble Court.

For Petitioner : Mr.I.C.Vasudevan

For Respondents : Mr.M.Perumal
Government Advocate for R1
Mr.P.Kannan Kumar for R2

O R D E R

The writ petitioner served as a Senior Tradesmen in Tamilnadu State Transport Corporation (Salem) Ltd., and retired from service on attaining the age of superannuation on 30.06.2013. The learned counsel for the writ petitioner states

that till today, the accrued interest for the gratuity amount of Rs.4,93,145.00 at the rate of 10% per annum from 01.08.2013 till date of payment to the petitioner as per the award dated 04.11.2015 passed in PG.No.61/2015 by the 1st respondent as modified by the appellate authority in AGA 167/2016 dated 29.11.2016 was not paid to the writ petitioner without any valid reasons and that the writ petitioner was allowed to retire from service and his accrued interest for the gratuity amount was not paid till today.

2. The learned Government Advocate appearing for the 1st respondent and the Learned counsel appearing for the 2nd respondent plead that due to financial crunch they are unable to pay the accrued gratuity amount due to the petitioner.

3. The terminal benefits are right of an employee. A Senior Tradesmen who was serving in the Corporation for more than three decades, is entitled for his livelihood. It does not mean a mere 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, a 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 and immediately after his 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 the writ petition is filed before this Court seeking 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 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 benefit to the petitioner herein, in twelve equal monthly instalments with effect from 01.10.2017, 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 August 2017. However, there is no order as to costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Controlling Authority and Assistant Commissioner of Labour, Salem.
2. The General Manager, The Management, Tamil Nadu State Transport Corporation (Salem) Ltd, 12, Ramakrishna Road, Salem.

+1cc to Mr.I.C.Vasudevan, Advocate, S.R.No.52845

+1cc to Mr.M.Perumal, Advocate, S.R.No.53437

+1cc to the Government Pleader, S.R.No.53502

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