

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.08.2017

Coram

The Hon'ble Mr.Justice S.M.SUBRAMANIAM

Writ Petition No.18904 of 2017

P.Chinnathambi

...Petitioner

Vs.

1. The Principal Secretary to Government
Department of Transport
Secretariat, Fort St.George
Chennai - 600 009.
 2. The Managing Director
Tamilnadu State Transport Corporation (Salem) Ltd.,
12, Ramakrishna Road
Salem - 636 007, Salem District.
- ...Respondents

Writ Petition, filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents to pay the petitioner, the encashment of unearned leave on Private Affairs of Rs.81,153/- with 24% interest for the delayed payment from 31.12.2005.

For Petitioner : Mr.V.Ajoy Khose

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

ORDER

The writ petitioner served in Tamilnadu State Transport Corporation (Salem) Ltd., and retired from service on attaining the age of superannuation on 31.12.2005. He joined as Assistant Branch Manager and retired as Deputy Manager and the learned counsel for the writ petitioner states that till today, the terminal benefit/encashment of 90 days unearned leave on private affairs is 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 the terminal benefit/encashment of 90 days unearned leave on private affairs is not paid till today.

2. Learned counsel appearing for the respondents / Corporation pleads that due to financial crunch they are unable to pay the terminal benefits due to his employees.

3. The terminal benefits are right of an employee. An Assistant Branch Manager who served 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/encashment of 90 days unearned leave on private affairs, to the employee 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 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 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 benefits to the petitioner herein, in six equal monthly installments with effect from October 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 installment shall commence from October 2017. No costs.

Sd/-
Asst.Registrar (CS VI)

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Sub Asst. Registrar

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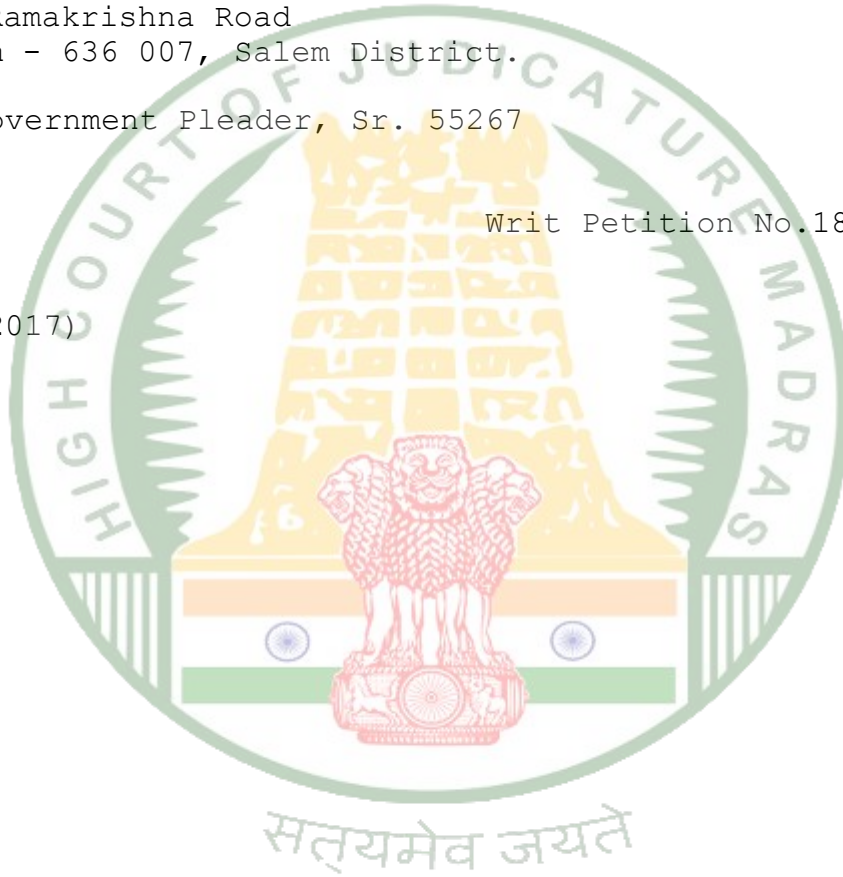
To

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2. The Managing Director
Tamilnadu State Transport Corporation (Salem) Ltd.,
12, Ramakrishna Road
Salem - 636 007, Salem District.

+1cc to Government Pleader, Sr. 55267

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SKS(CO)
VR(05/09/2017)



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