

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2017

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.19267 of 2017

K.Shanmugasundaram

.. Petitioner

Vs.

1. The Principal Secretary to Government,
Department of Transport, Secretariat,
Fort St.George, Chennai - 600009.
 2. The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
12, Ramakrishna Road,
Salem 636 007, Salem District.
- .. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondent to pay the petitioner the encashment of unearned leave on Private Affairs of Rs.59,910/- with 24% interest for the delayed payment from 31.10.2003 within a time frame as may be fixed by this Court.

For Petitioner : Mr.R. Krishnaswamy

For Respondents: Mr.C.C.Rangarajan (for R1)

Government Advocate

Mr.P.Paramasivadosh (for R2)

ORDER

The writ petitioner, serving as Selection Grade Assistant Manager in the Tamil Nadu State Transport Corporation (Salem) Limited, after completion of 29 years 19 days of service, retired on attaining the age of superannuation on 31.10.2003, and the learned counsel for the writ petitioner states that till today, the terminal benefits viz., unearned leave on Private Affairs for 90 days to a tune of Rs.59,910/- with 24% interest for the delayed payment from 31.10.2003, is not disbursed to the writ petitioner without any valid reasons and that the writ petitioner was allowed to retire from service without paying his terminal benefits.

2. Learned counsel appearing for the respondent / Corporation pleads that due to financial crunch, they are unable to pay the terminal benefits due to its 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. It does not mean a mere life and it includes decent life as enshrined under Article 21 of the Constitution of India.

4. The terminal benefits are not a 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 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 the practice of driving the retired employees to approach this Court under Article 226 of the Constitution of India, for payment of their terminal benefits is to be 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 01.09.2017. There shall be no order as to costs.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

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To

1.The Principal Secretary to Government,
Department of Transport, Secretariat,
Fort St.George, Chennai - 600009.

2.The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
12, Ramakrishna Road, Salem 636 007, Salem District.
+1 CC to Govt. Pleader sr 54307.

W.P.No.19267 of 2017

SS(CO)
sp(18/08/2017)