

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :02.08.2017

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

W.P. No.19751 of 2017

S.Kumar

... Petitioner

Vs

1.The Principal Secretary to Government
Department of Transport
Secretariat, Fort St.George,
Chennai 600 009.

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 to issue of Writ of Mandamus directing the respondents to pay the petitioner encashment of unearned leave on Private Affairs of Rs.69,960/- with 24% interest for the delayed payment from 31.05.2005 within a time frame as may be fixed by this Hon'ble Court.

For Petitioner : Mr.V.Ajoy Khose

For Respondents : Mr.M.Perumal

Government Advocate
for R1

Mr.P.Paramasivados
Government Advocate
for R2

ORDER

The writ petitioner served as Selection Grade Assistant Manager at Tamil Nadu State Transport Depot in Salem and after completion of 30 years 2 months and 30 days of service, voluntarily retired from service on 31.05.2005, and the learned counsel for the writ petitioner states that till today, the terminal benefits are not disbursed to the writ petitioner without any valid reasons and that the writ petitioner was allowed to voluntarily retire from service and his entitlement for terminal benefits are not paid till today.

2. 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.

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. 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 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.

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**

S.M.SUBRAMANIAM,J.
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**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.

02.08.2017

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To

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

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