

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18-09-2017

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P. Nos.41449 to 41452 of 2016

1. G. Rangasamy Naidu ..Petitioner in W.P. No.41449 of 2016
2. M. Ramakrishnan ..Petitioner in W.P. No.41450 of 2016
3. A. Kasi ..Petitioner in W.P. No.41451 of 2016
4. A. Perumal ..Petitioner in W.P. No.41452 of 2016

Vs.

- 1.The Additional Chief Secretary,
Transport Department,
Government of Tamilnadu,
Secretariat, Chennai - 600 009.
- 2.The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Limited ,
12, Ramakrishna Salai, Salem-636 007.
- 3.The Administrator,
Tamil Nadu State Transport
Corporation Employees Pension Trust,
Administrative Office, Thiruvalluvar House,
Pallavan Salai, Chennai- 600 002.

.. Respondents in all WPs

Writ Petitions filed under Article 226 of the Constitution of India, to issue Writs of Mandamus, directing the respondents 2 and 3 to consider and pass orders on the petitioners' representation dated 16.11.2016 seeking for arrears of salary and retirement benefits in the light of G.O. Ms.No.61 dated 30.04.2015.

For Petitioner in all WPs : Mr.A. Nagarathinam

For Respondent-1 in all Wps : Mr. K. Dhananjayan,
Special Government Pleader.

For Respondents-2&3 : Mr.P.Paramasivadoss

COMMON O R D E R

The writ petitioners were served as Senior Checking Inspectors, in the erstwhile Tamil Nadu State Transport Corporation (Salem) Ltd., Salem and after completion of service, the writ petitioners were retired on attaining the age of superannuation on 31.5.2014, 31.10.2011, 30.04.2012 and 30.11.2011 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 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 right of an employee to lead his livelihood. An employee who served 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 the retired employees to approach this Court under Article 226 of the Constitution of India, is deprecated.

5. The learned counsel appearing for the Transport Corporation fairly made a submission that the amount of terminal benefits due to the writ petitioners will be settled within a period of six weeks from the date of receipt of a copy of this order. Therefore, no further direction is required in these writ petitions. Recording the statement of undertaking given by the learned counsel for the writ petitioners, the writ petitions stand closed.

6. Accordingly, the writ petitions stand closed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

lbm

To

1. The Additional Chief Secretary,
Transport Department,
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Secretariat, Chennai - 600 009.
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Corporation (Salem) Limited ,
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3. The Administrator,
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Corporation Employees Pension Trust,
Administrative Office, Thiruvalluvar House,
Pallavan Salai, Chennai- 600 002.

+4cc to Mr.A.Nagarathinam, Advocate Sr. 62826
+4cc to Mr.P.Paramasivadosh, Advocate Sr. 68089
+1cc to the Government Pleader Sr. 68352

सत्यमेव जयते

W.P. Nos.41449 to 41452 of 2016

KS(CO)
VR(26/10/2017)

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