

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12-09-2017

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P. No.43951 of 2016

N.Natarajan

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Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport
Corporation Limited (Salem),
12, Ramakrishna Road,
Salem.

2.The Administrator,
Tamil Nadu State Transport
Corporation Limited (Salem),
Employees Post Welfare Fund Scheme,
Pallavan Salai,
Chennai-2.

..

Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to disburse the payments relating to Provident Funds, Gratuity, Pension Commutation, Family Welfare Fund Balance ERBS Pension arrears, Surrender Leave Salary i.e., Earned Leave Balance as on 31.1.2013, balance Dearness Allowance, Surrender Medical Leave Salary upto 31.2.1998 by calculating D.A. Eligible as per newly implemented scheme, with interest at 12% per annum with effect from 1.2.2016.

For Petitioner : Mr.I.C.Vasudevan

For Respondents : Mr.P.Paramasivadoss

ORDER

The writ petitioner was served as Senior T.M., in the erstwhile Tamil Nadu State Transport Corporation (Salem) Ltd., Salem and after completion of 36 years of service, retired on attaining the age of superannuation on 31.1.2016 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 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 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. 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 writ petitioner herein, within a period of four weeks from the date

of receipt of a copy of this order, 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**. There shall be no order as to costs.

12-09-2017

Svn
Index : Yes/No
Speaking /Non-speaking order

To

- 1.The Managing Director,
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Salem.
- 2.The Administrator,
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S.M.SUBRAMANIAM, J.

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