

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.08.2017

Coram

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

Writ Petition No.43953 of 2016

C.Arunachalam (Staff No.DR.2225)

...Petitioner

Vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
No.12, Ramakrishna Road,
Salem.

2.The Administrator,
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai-600 002.

...Respondents

Writ Petition, filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents to disburse the payments relating to Gratuity, Leave Encashment (Earned Leave & Old Medical Leave), Leave Surrender for year of 2009-2011, D.A. Arrears and all other retirement benefits by calculating D.A. eligible as per the fixation made by the Government of Tamil Nadu periodically along with the entitled difference of dearness allowances also, with interest at 12% per annum with effect from 01.08.2013 within the stipulated time as may be fixed by this Court.

For Petitioner : Mr.G.Sakthivel

For Respondents: Mr.P.Paramasivadoss

O R D E R

The writ petitioner served as Driver in the erstwhile Anna Transport Corporation Salem Ltd., and after completion of 26 years of service, retired on attaining the age of superannuation on 31.07.2013, 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 his 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 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 01.11.2017. There shall be no order as to costs.

No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

rpa/nmm

To

1.The Managing Director,
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Salem.

2.The Administrator,
Tamil Nadu State Transport Corporation
Employees Post Retirement Welfare Fund Scheme,
Thiruvalluvar House, Pallavan Salai,
Chennai-600 002.

+ 1 cc to Mr.P.Paramasivadosh, Advocate,SR.60495

+ 1 cc to Mr.G.Sakthivel, Advocate,SR.60778

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EV(CO)
NR 26/09/2017



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