

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.07.2017

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

W.P. No.17748 of 2017

S.Arthanareeswaran [PETITIONER]

Vs

- 1 The Managing Director
Tamil Nadu State Transport Corporation
(Salem) Limited
12 Ramakrishna Salai
Salem 7
- 2 The Administrator
Tamil Nadu State Transport Corporation
(Salem) Limited
Employees Post Retirement Welfare Fund Scheme
Thiruvallur House
Pallavan Salai Chennai 002. [RESPONDENTS]

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Mandamus, to direct the first respondent to disburse the terminal benefits of the petitioner herein namely Gratuity Commutation ERBS (Employees Retirement Benefit Scheme) pension arrears surrender leave salary i.e. earn leave Salary D.A. (Dearness Allowance) arrears and pension DA (Dearness Allowance) arrears with interest at 18% per annum with effect from 01.05.2017 in accordance with law within a time frame that may be fixed by this Court.

For Petitioner : Mr.J.Franklin

For Respondents : Mr.R.K.Gandhi

ORDER

The writ petitioner served as conductor in the Tamil Nadu State Transport Corporation (Salem) Limited, and after completion of about 28 years of service, retired on attaining the age of superannuation on 30.04.2017, 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 model employer, has to settle the benefits to its employees and immediately after their retirement, 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 01.09.2017. There shall be no order as to costs.

13.07.2017

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To

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Salem 7
- 2 The Administrator
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Employees Post Retirement Welfare Fund Scheme
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S.M.SUBRAMANIAM,J.

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