

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 12.10.2018
CORAM
THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No.17182 of 2018

T.K.R.Elangovan ..Petitioner

Vs

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

2.The Managing Director,
Metropolitan Transport Corporation (Chennai) Ltd.,
Pallavan Salai, Chennai □ 600 002.

3.The Administrator,
Tamil Nadu State Transport Corporation,
Pension Fund Trust, Thiruvallur □ House,
Pallavan Salai, Chennai □ 600 002. .. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus, directing the 2nd respondent to disburse the retirement benefits viz., Earned Leave Surrender salary amount Rs.3,91,700/-, E.L. Surrender arrears Rs.21,760/-, Social Security Scheme Fund Rs.20,000/- Gratuity difference amount Rs.45,700/-, IRT contribution amount Rs.4,500/- and pension arrears amount Rs.20,640/- totally Rs.5,04,300/- with 18% interest on delayed payment to the petitioner, the selection grade Record clerk, who has retired from service on 31.12.2017.

For Petitioner : Mr.D.Veerasekaran
For Respondents : Mr.Kannan Kumar

O R D E R

This writ petition has been filed to direct the second respondent to disburse the retirement benefits viz., Earned Leave Surrender salary Rs.3,91,700/-, E.L. Surrender arrears Rs.21,760/-, Social Security Scheme Fund Rs.20,000/- Gratuity difference amount Rs.45,700/-, IRT contribution amount Rs.4,500/- and pension arrears amount Rs.20,640/- and totally Rs.5,04,300/- with 18% interest on delayed payment to the petitioner, who served as Selection Grade Record clerk and retired from service on 31.12.2017.

2.The learned counsel for the petitioner as well as the learned counsel appearing for the respondents jointly submitted that the issue involved in this writ petition is squarely covered by the earlier order of this Court dated 28.04.2018, in W.P.No.11564 of 2018. The relevant paragraphs of the said order is extracted hereunder :

□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, a 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 01.06.2018. However, there shall be no order as to costs.□

3. Following the same, this writ petition is disposed of, directing the respondents to disburse the retirement benefits due to the petitioner herein, in twelve equal monthly instalments. It is made clear that the first instalment shall commence from 12.11.2018. No costs.

12.10.2018

Internet: Yes/No

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R.MAHADEVAN, J.

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To

1. The Principal Secretary to Government,
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Fort St. George, Chennai □ 600 009.

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Metropolitan Transport Corporation (Chennai) Ltd.,
Pallavan Salai, Chennai □ 600 002.

3. The Administrator,
Tamil Nadu State Transport Corporation,
Pension Fund Trust, Thiruvallur □ House,
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