

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2018

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No.26405 of 2018

R.Jothi

... 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, Thiruvalluvar - House,
Pallavan Salai,
Chennai - 600 002.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of mandamus, directing the 2nd and 3rd respondent to disburse the retirement benefits viz., Earned Leave Surrender salary amount Rs.3,07,800/-, Gratuity difference amount Rs.13,100/-, Social Security Scheme Fund Amount Rs.20,000/- IRT Contribution Amount Rs.4,500/- and pension arrears amount Rs.38,800/- totally Rs.3,84,200/- with 18 % interest on delayed payment to the petitioner the Selection Grade Server/Cleaner who has retired from service on 31.12.2017.

For Petitioner : Mr.D.Veerasekaran

For Respondents: Mr.S.Suresh Kumar for R1
Mr.Kannan Kumar for R2 & R3

O R D E R

Mr.S.Suresh Kumar, learned counsel takes notice for the first respondent and Mr.Kannan Kumar, learned counsel takes notice for the respondents 2 and 3. By consent, the writ petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed to direct the respondents 2 and 3 to disburse the retirement benefits viz., Earned Leave Surrender salary amount Rs.3,07,800/-, Gratuity difference amount Rs.13,100/-, Social Security Scheme Fund Amount Rs.20,000/- IRT Contribution Amount Rs.4,500/- and pension arrears amount Rs.38,800/- totally Rs.3,84,200/- with 18 % interest on delayed payment to the petitioner, who served as Selection Grade Server/Cleaner and retired from service on 31.12.2017.

3. The learned counsel for the petitioner as well as the learned counsels appearing for the respective 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."

4. Following the same, this writ petition is disposed of, directing the respondents to disburse the retirement benefits to the petitioner herein, in twelve equal monthly instalments. It is made clear that the first instalment shall commence from 05.11.2018. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

ms
To

- 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.

+2cc to Mr.D.Veerasekaran, Advocate Sr.68784, 69027
+2cc to Mr.P.Kannankumar, Advocate Sr.68821
+1cc to the Government Pleader Sr.69126

सत्यमेव जयते

W.P.No.26405 of 2018

sv[co]
srg 30/10/2018

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