

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 16.04.2019
CORAM
THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.Nos.11139, 11145 & 11147 of 2019

T.Jayabal

.. Petitioner in
WP.No.11139/2019

V.Thangaraj

.. Petitioner in
WP.No.11145/2019

R.Rajendran

.. Petitioner in
WP.No.11147/2019

Vs

1.The Management,
Tamilnadu State Transport
Corporation (Kovai) Ltd.,
Rep. By its Managing Director
No.37, Mettupalayam Road,
Coimbatore.

2.The General Manager,
Tamilnadu State Transport Corporation Ltd.,
No.37, Mettupalayam Road,
Coimbatore.

..Respondents in all WPs

PRAYER : Writ Petition No.11139 of 2019 filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to pay the petitioner a sum of Rs.10,14,662/- towards retirement benefits along with earned leave and medical leave with interest at the rate of 12% per annum within the time stipulated by this Hon'ble Court.

PRAYER : Writ Petition No.11145 of 2019 filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to pay the petitioner a sum of Rs.13,78,338/- towards retirement benefits along with earned leave and medical leave with interest at the rate of 12% per annum within the time stipulated by this Hon'ble Court.

Prayer: Writ Petition No.11147 of 2019 filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to pay the petitioner a sum of Rs.16,52,035/- towards retirement benefits along with earned leave and medical leave with interest at the rate of 12% per annum within the time stipulated by this Hon'ble Court.

For Petitioners : Mr.V.Sivakumar
(in all Wps)
For Respondents : Mr.R.S.Selvam
Government Advocate
(in all Wps)

COMMON ORDER

The writ petitioners are served as Special Grade Conductors and Driver and retired from service on attaining the age of superannuation. The learned counsel for the writ petitioner states that till today the retirement benefits have not been paid to the writ petitioners without any valid reasons and that the writ petitioners was allowed to retire from service, without paying their retirement benefits.

2. The learned Government Advocate appearing for the 1st respondent and the Learned counsel appearing for the 2nd respondent plead that due to financial crunch they are unable to pay the accrued gratuity amount due to the petitioner.

3. The terminal benefits are right of an employee. The Special Grade Conductors and Driver who were serving in the Corporation for more than three decades, are entitled for their livelihood. Livelihood does not mean a mere life and it includes decent life, which 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 and it is the duty mandated on the part of the State to settle the terminal benefits. Therefore, this Court is of the view the 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 Petitions stands disposed of and the respondents are directed to disburse the aforementioned retiral benefit to the petitioner herein, in twelve equal monthly instalments with effect from 01.06.2019, 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 1st June, 2019. However, there is no order as to costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

pns

To

1.The Management,
Tamilnadu State Transport
Corporation (Kovai) Ltd.,
Rep. By its Managing Director
No.37, Mettupalayam Road,
Coimbatore.

2.The General Manager,
Tamilnadu State Transport Corporation Ltd.,
No.37, Mettupalayam Road,
Coimbatore.

+3ccs to Mr.V.Sivakumar, Advocate SR.No. 37810, 37809 and 37808

+1cc to Mr.R.S.Selvam , Advocate SR.No. 37446

W.P.Nos.11139, 11145 & 11147 of 2019

A.SK(26/06/2019)

सत्यमेव जयते

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