

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-04-2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.17972 of 2018

T.S.David Thangarajan

..Petitioner

Vs.

M/s.State Express Transport Corporation Ltd.,
Represented by its Managing Director,
No.2, Pallavan Salai,
Chennai-600
002.

..Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus directing the respondent to settle the terminal benefits of the petitioner, Gratuity amount of Rs.10,76,153/-, Surrender of Earned Leave of 205 days amount of Rs.3,74,894/- and commutation amount of Rs.3,50,000/-, Erode Engineering College and Perundurai Medical College amount of Rs.3,500/- altogether a sum of Rs.18,04,547/- with interest at the rate of 6% per annum by considering representation of the petitioner dated 6.7.2018.

For Petitioner :Mr.D.Soundar Raj

For Respondent :Mrs.S.Rajeni Ramadass

O R D E R

The writ petitioner served as a Senior Record Clerk in the State Express Transport Corporation Ltd., Chennai and retired from service on attaining the age of superannuation on 30.4.2018.

2. 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.

3. The learned counsel for the respondent-Corporation pleads that due to financial crunch, they are unable to pay the terminal benefits due to the writ petitioner.

4. The terminal benefits are right of an employee. A Senior Record Clerk, who was serving in the Corporation for more than three decades, is entitled for his livelihood. It does not mean a mere life and it includes decent life as ensured under Article 21 of the Constitution of India.

5. 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 model employer, has to settle the benefits to its employees and immediately after his 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 petition is 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.

6. 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 respondent is 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 1.6.2019. However, there shall be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Svn

To

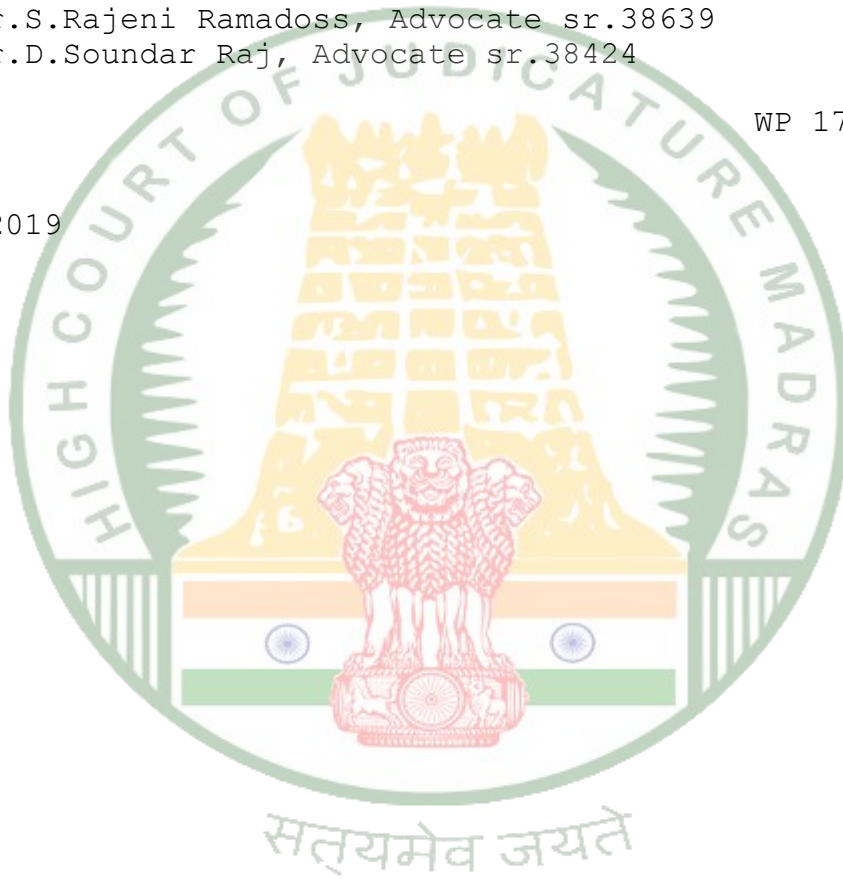
The Managing Director,
State Express Transport Corporation Ltd.,
No.2, Pallavan Salai,
Chennai-600 002.

+1cc to Mr.S.Rajeni Ramadoss, Advocate sr.38639

+1cc to Mr.D.Soundar Raj, Advocate sr.38424

WP 17972 of 2018

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