

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :20.09.2019

CORAM

THE HON'BLE Mr.Justice M.DHANDAPANI

W.P.No.20184 of 2019

V.Ilangovijayan

... 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,
Anna Salai, Chennai-600002.

3.The Administrator,
Tamil Nadu State Transport Corporation,
Pension Fund Trust, Thiruvalluvar House,
Pallavan Salai, Chennai-600 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus or any other Writ or Direction directing the respondents to disburse the retirement benefits, viz., Provident Fund Amount Rs.11,36,290/-, Gratuity Amount of Rs.13,98,600/-, Earned Leave Surrender Salary amount of Rs.6,03,612/-, Pension Commutation Amount Rs.9,79,407/-, Social Security Scheme Amount of Rs.20,000/-and total comes to Rs.41,37,909/-(Rupees Forty One Lakhs and Thirty Seven Thousand and Nine Hundred Nine Only) with 18% interest on delayed payment to the petitioner, the Sr.Supervisor (Sanitary Work), Staff No.A12179 who has retired from service on 30.04.2019.

For Petitioner : Mr.D.Veerasekaran

For Respondents 1-3 : Mrs.Lalitha,
Government Advocate.

O R D E R

This petition is filed by the petitioner seeking to issue a Writ of Mandamus or any other Writ or direction directing the respondents to disburse the retirement benefits, viz., Provident Fund Amount Rs.11,36,290/-, Gratuity Amount of Rs.13,98,600/-, Earned Leave Surrender Salary amount of Rs.6,03,612/-, Pension Commutation Amount Rs.9,79,407/-, Social Security Scheme Amount of Rs.20,000/-and total comes to Rs.41,37,909/-(Rupees Forty One Lakhs and Thirty Seven Thousand and Nine Hundred Nine Only) with 18% interest on delayed payment to the petitioner, the Sr.Supervisor (Sanitary Work), Staff No.A12179 who has retired from service on 30.04.2019.

2. The case of the petitioner is that he joined as a Sanitary Inspector on 10.03.1982 in the Erstwhile Pallavan Transport Corporatin Ltd. After the amalgamation with Ambedkar Transport Corporation Ltd., the Corporation was renamed as Metropolitan Transport Corporation (Chennai) Ltd.

3. In the year 1998, the petitioner was promoted as Senior Sanitary Inspector. Further, he was upgraded as Supervisor (Sanitary Work) in the year 2008. He got promoted as Senior Supervisor (Sanitary Work) in the year 2013. Later, on 30.04.2019, the petitioner had retired from the service as Senior Supervisor and was relieved with appreciation of his service. However, till date, the petitioner's retirement benefits were not settled. Hence, the present Writ Petition was raised against the respondents.

4. The learned counsel for the petitioner would submit that the petitioner had made a representation, dated 02.07.2019, to the second and third respondent herein with a request to pay the retirement benefits. The officials of the respondents informed that the said retirement benefits will be settled in the subsequent months. The learned counsel would also submit that, no steps were taken from the respondents regarding settling of his retirement benefits. Though the petitioner was retired on 30.04.2019, his terminal benefits have not been settled till date.

5. This Court, in the very same issue, has passed an order in W.P.No.4606 of 2019 [P.Senthamilselvan Vs. The Principal Secretary to Government and two others]. The relevant paragraphs extracted from the judgment are as follows:

"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 Petitions stands disposed of and the respondents are directed to disburse the aforementioned retiral benefits to the petitioner herein, in twelve equal monthly installments, 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 it Managing Director, Madurai and others) dated 12.06.2015. It is also made clear that the first installment shall commence from 01.05.2019. However, there shall be no order as to costs."

6. The same issue was also dealt by this Court in Judgment W.A.(MD)Nos.383 to 457 of 2015 [K.Rajendran and others Vs. The Tamil Nadu State Transport Corporation, Madurai Limited and others] dated 12.06.2015.

7. In view of the above judgments, 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 installments. It is also clear that the first installment shall commence from 15.10.2019. However, There shall be no order as to costs.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1.1.The Principal Secretary to Government,
Transport Department,
Fort. St.George, Chennai-600 009.

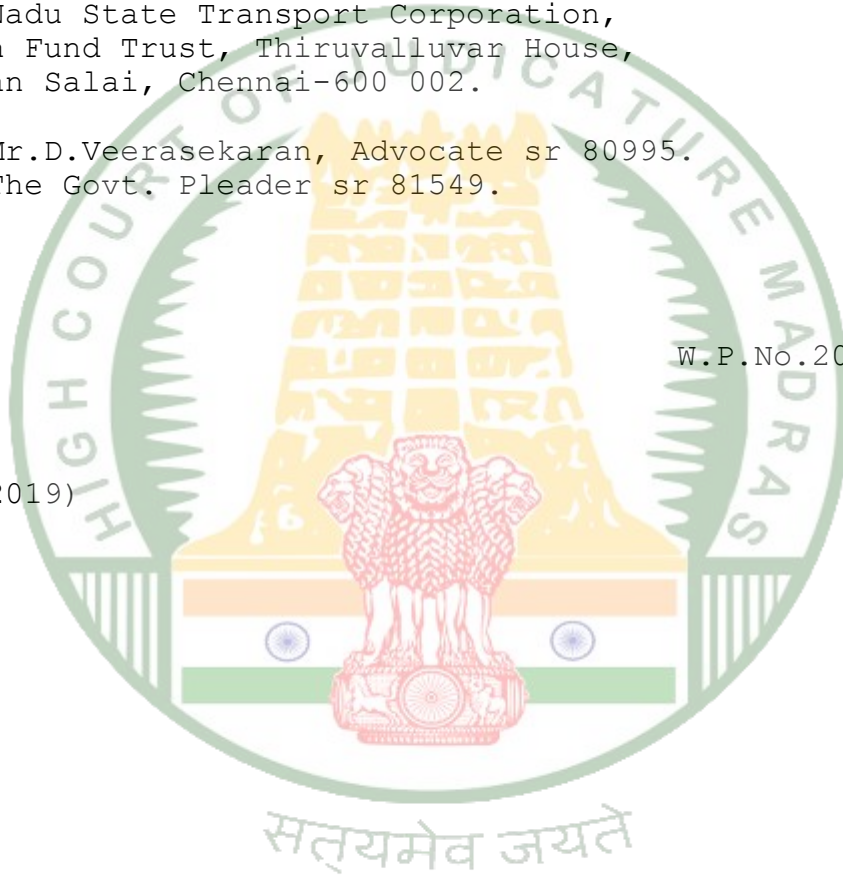
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Pallavan Salai, Chennai-600 002.

+1 CC to Mr.D.Veerasekaran, Advocate sr 80995.
+1 CC to The Govt. Pleader sr 81549.

W.P.No.20184 of 2019

GJII(CO)
SP(04/10/2019)



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