

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2019

CORAM

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

Writ Petition No.25342 of 2018

S.Kabali

...

Petitioner

Vs.

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

...

Respondent

PRAYER:-

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to settle the terminal benefits of the petitioner, Gratuity amount of Rs.20,00,000/-, 13 days Earned Leave amount of Rs.25,000/-, Erode Engineering College and Perundurai Medical College amount of Rs.4,500/- and Social Security amount of Rs.25,000/- and altogether a sum of Rs.20,54,000/- with interest at the rate of 6% per annum by considering the representation of the petitioner dated 14.09.2018.

For Petitioner : Mr.D.Soundar Raj

For Respondent : Mr.P.Kannan Kumar
Standing Counsel

O R D E R

The relief sought for in this writ petition is for a direction to settle the terminal benefits of the petitioner, Gratuity amount of Rs.20,00,000/-, 13 days Earned Leave amount of Rs.25,000/-, Erode Engineering College and Perundurai Medical College amount of Rs.4,500/- and Social Security amount of Rs.25,000/- and altogether a sum of Rs.20,54,000/- with interest at the rate of 6% per annum by considering the representation of the petitioner dated 14.09.2018.

2.The grievances of the writ petitioner is that he was appointed as Helper on 01.09.1986 and retired from service on 31.05.2018 under the Voluntary Retirement Scheme. Even after retirement the terminal benefits due to the writ petitioner has

not been settled. The writ petitioner made several representations to settle the terminal benefits and the respondent has not considered the same. Thus, the writ petitioner is constrained to move the present writ petition.

3. The learned counsel for the writ petitioner states that there is no charge or disciplinary proceeding pending against the writ petitioner and thus, there is no impediment for the settlement of the terminal benefits in favour of the writ petitioner. Similar case was settled by this Court in W.P.No.18838 of 2017 dated 25.07.2017 and Paragraph Nos. 3 to 5 are extracted herein:

"3. The terminal benefits are right of an employee. A Senior Tradesman 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.

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 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.

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 benefit to the petitioner herein, in twelve equal monthly instalments with effect from 01.10.2017, 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 August 2017. However, there is no order as to costs."

4. Accordingly, this writ petition stands disposed of and the respondent is directed to disburse the terminal benefits to the writ petitioner in 12 equal installments with effect from 01.05.2019. There shall be no order as to costs.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

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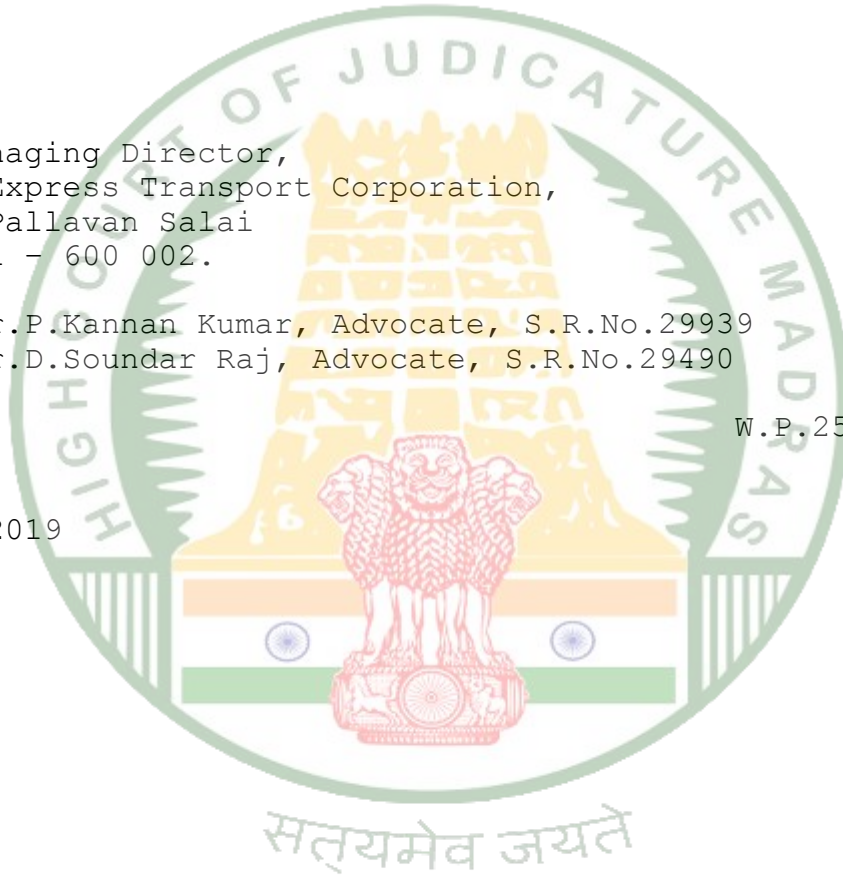
1. The Managing Director,
State Express Transport Corporation,
No.2, Pallavan Salai
Chennai - 600 002.

+1cc to Mr.P.Kannan Kumar, Advocate, S.R.No.29939

+1cc to Mr.D.Soundar Raj, Advocate, S.R.No.29490

W.P.25342 of 2018

RGN(CO)
CS/16/05/2019



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