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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-07-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WP No. 7715 of 2023,

WA NO. 2210 OF 2021,WA NO. 2221 OF 2021 and WP NO. 6307 OF 2021

WP No. 7715 of 2023

1. Tamil Nadu State Transport Corporations
Retired Administrative and technical
supervisory Staff Welfare association, Rep. by
its President, K.Kalyanasundaram, (REG
NO.19/2011), Salem west), C-42, ATC Nagar,
Alagapuram Pudur, Salem 636 016
2. K.Kalyanasundaram
PPO No. 647 Tamil Nadu State Transport
corporations, Salem, C-42, ATC Nagar,
Alagapuram Pudur Post , Salem 636 016

..Petitioner(s)

Vs

1. State of Tamil Nadu
Rep. by its additional Chief Secretary,
Transport Department, Fort St.George,
Chennai 09
2. The Secretary to the Government
Finance department, Fort St.George,
Chennai 09
3. The Principal Accountant General (A and E)
Government of Tamil Nadu, Tamil Nadu,
Teyampet, Chennai 18

..Respondent(s)

WA No. 2210 of 2021

1. The State Transport Corporation (Villupuram)
Ltd



Rep. By The General Manager, State
Transport Corporation Villupuram, 3/137
Salamedu, Vazhudhareddy, Villupuram.

2. The Secretary

The State Transport Corporation (villupuram)
Ltd.Tamil Nadu State Transport Corporation,
No. 3/37 Salamedu, Vazhudhareddy,
Villupuram 605 602.

3. The Director

Tamil Nadu State Transport Corporation
Employees Pension Trust, Tiruvalluvar House,
Pallavan Salai, Chennai 600 002.

..Appellant(s)

Vs

R.Karunanidhi

..Respondent(s)

WA No. 2212 of 2021

1. The State Transport Corporation (villupuram)
Ltd

Rep. By The General Manager, State
Transport Corporation Villupuram, 3/137
Salamedu, Vazhudhareddy, Villupuram.

2. The Secretary

The State Transport Corporation (villupuram)
Ltd.Tamil Nadu State Transport Corporation,
No. 31/37 Salamedu, Vazhudhareddy,
Villupuram 605 602.

3. The Director

Tamil Nadu State Transport Corporation
Employees Pension Trust, Tiruvalluvar House,
Pallavan Salai, Chennai 600 002.

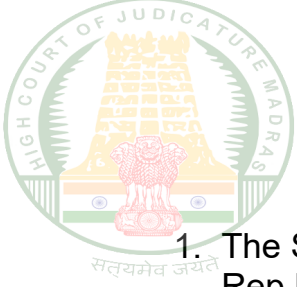
..Appellant(s)

Vs

T.C.M. Kasim

S/o. Mohammed, No.20/3, Mohammed Nabi St,
Roshanai, Dindivanam.

..Respondent(s)

**WA No. 2221 of 2021**

1. The State Transport Corporation Ltd
Rep By The General Manger, No.3/137,
Salamedu, Vazhudhareddy, Villupram 605 602
2. The Secretary
Tamil Nadu State Transport Corporation,
Villupuram Ltd, Villupuram Chennai 600 002

..Appellant(s)

Vs

R.Chandrasekaran
Tradesman (retired) 35 Rajarajeswari Nagar,
Koothapakkam, Cuddalore 607 002

..Respondent(s)

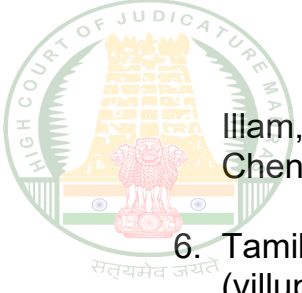
WP No. 6307 of 2021

The State Transport and Transport
Corporations Retired Employees, Welfare
Association, Rep by its General Secretary,
K.Karasan (Reg.No.127/ 2001), No.2, Pallavan
salai, Chennai-600 002

..Appellant(s)

Vs

1. The Government of Tamil Nadu
The Secretary, Transport Department,
Government of TamilNadu, Secretariat,
Chennai 600 009
2. The Secretary
Transport Department, Government of
TamilNadu, Secretariat, chennai-600009
3. TamilNadu State Transport corporations
Employees Pension fund Trust, Rep by its
Administrator, Thiruvalluvar Illam, Pallavan
Salai, chennai-600 002
4. Metropolitan Transport corporation Limited
Rep by its Managing Director, Pallavan Illam ,
Anna salai, Chennai- 600 002
5. State Express Transport corporation Limited
Rep by its Managing Director, Thiruvalluvar



Illam, Pallavan salai, Anna salai,
Chennai-600 002

6. TamilNadu State Transport corporation
(villupuram)Limited
Rep by its Managing Director, 3/137,
Salamedu, Vazhudareddy, Villupuram 605 602
7. TamilNadu State Transport corporation
(Salem) Limited
Rep by its Managing Director, 12,
Ramakrishna Road, Seerangapalayam, Salem
636 007
8. TamilNadu State Transport corporation
(coimbatore) Limited
Rep by its Managing Director, 37,
Mettupalayam Road, Coimbatore-641 043
9. TamilNadu State Transport corporation
(Kumbakonam)Limited
Rep.by its Managing Director, New Railway
station Road, Kumbakonam 612 001
10. TamilNadu state Transport corporation
(Madurai)Limited
Rep by its Managing Director, Bye pass Road,
Madurai 625 002
11. TamilNadu State Transport corporation
(Tirunelveli)Limited
Rep by its Managing Director, Kattabomman
Nagar, Tirunelveli-682 002

..Respondent(s)

WP No. 7715 of 2023

Writ Petition under Article 226 of the Constitution of India declaring that Rule 14(b) of Tamil Nadu State Transport corporation Employees Pension Fund Trust Rules is unconstitutional and ultra vires of Articles 14, 16 and 21 of the Constitution of India.

WA No. 2210 of 2021

Writ Appeal under Clause 15 of the Letters Patent issuing writ of certiorari to set aside the order dated 30.09-2020 passed in WP No.6038 OF



2012 and allow the present WA.

WA No. 2221 of 2021

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Writ Appeal filed Clause 15 of Letters Patent issuing writ of certiorari to set aside the order dated 30.09.2020 passed in WP.No.3015 of 2012.

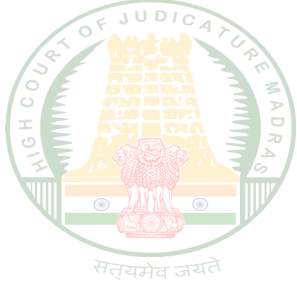
WP No. 6307 of 2021

Writ Petition filed under Article 226 of the Constitution of India issuing writ of declaration declaring that Rule 14(b) of the TamilNadu State Transport Employees' pension fund Rules and the order in G.O.Ms.No.135, Transport (D) Department, dated 15.12.2000 issued by the 2nd Respondent in so far as notifying the said Rules w.e.f.1.9.98, as unconstitutional arbitrary, irrational, unjust, unreasonable and discriminatory and violative of Arts 14, 16, 21 and 300A of the Constitution and consequently direct the Respondents to sanction and pay monthly pension to all the retired employees who are covered by the TamilNadu State Transport corporation Employees pension Rules/ Scheme and who are in receipt of government pension and who are members of the petitioners Association, from the date of their superannuation/ Voluntary retirement / death, for the entire service rendered by them in the Respondent corporation 4 to 11, independently and without reference to the pension they have been getting from the Government, for the service rendered in the erstwhile state transport Department and without reference to Rule 14(b) and strictly in accordance with Rule 16 (a) (i) and (ii) and 16(b) of the TNSTCE pension Rules with arrears and other consequential benefits, together with interest award costs

W.P.No.7715 of 2023

For Petitioner(s): Mr.M.Ramamoorthi

For Respondent(s): Dr.R.Gouri, Government Counsel for R1 to R3,
MR.C.S.K.Sathish,
Standing Counsel for TNSTC for R4

**W.P.No.6307 of 2021**

For Petitioner(s): Mr.Vizay Priyan
for Mr.R.Krishnaswamy

For Respondent(s): Dr.R.Gouri, Government Counsel for R1, 2
Mr.K.Kathiresan for R5
Mr.C.S.K.Sathish for R6
Mr.K.Moorthy for R4
Mr.M.Aswin for R7

W.A.No.2210 of 2021

For Petitioner(s): Mr.Aswin

For Respondent(s): Mr.D.Soondan Raj

W.A.No.2221 of 2021

For Petitioner(s): Mr.Aswin

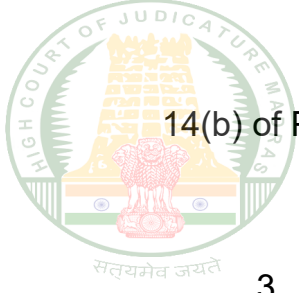
For Respondent(s): Mr.A.Arulmozhi

Common Order

(Order of the Court was made by S.M.Subramaniam J.)

The present writ of declaration has been instituted to declare Rule 14(b) of the Tamil Nadu State Transport Corporation Employees' Pension Fund Rules (for brevity, hereinafter referred to as 'Pension Fund Rules') is unconstitutional and ultra vires of Article 14, 16 and 21 of the Constitution of India.

2. Tamil Nadu State Transport Corporations' Retired Administrative and Technical Supervisory Staff Welfare association along with some retired employees of the Corporation have filed the writ petitions challenging Rule



14(b) of Pension Fund Rules.

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3. Mr.M.Ramamoorthi, learned counsel for the petitioners would mainly contend that pension in respect of the qualifying services rendered by the members of the association in the Corporation are restricted mainly on the ground that they are receiving Government pension for their services rendered in the erstwhile Transport Department of the Government of Tamil Nadu. Thus, restriction imposed under impugned Rule 14(b) of the Rules is unconstitutional and to be declared as void.

4. He would draw the attention of this Court with reference to the judgment of the learned Single Judge of this Court in a batch of writ petitions vide order dated 27.09.2006 wherein Clause 5(b) of G.O.Ms.No.42, Transport (RW) Department, dated 27.05.2005 was set aside. Since Clause 5(b) of the Government order has been set aside, the entire services rendered by the Corporation employees are to be reckoned as qualifying services for grant of pension under the Pension Fund Rules.

5. The respective learned counsels appearing on behalf of the respondents would oppose by stating that erstwhile Tamil Nadu State Transport Department was dissolved and Transport Corporations are constituted. These Transport Corporations are registered under the Companies Act. Regarding the Government services rendered by the



employees in the erstwhile Transport Department, pension has been granted for the eligible employees under the Tamil Nadu Pension Rules, 1978.

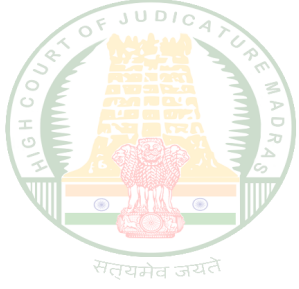
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6. Regarding services rendered by these employees under Transport Corporation, pensionary benefits are settled under the Pension Fund Rules. The employees served both under the erstwhile Transport department and Transport Corporation are getting two pensions. Taking note of these facts, Government introduced Rule 14(b) in Pension Fund Rules.

7. Learned counsel for the respondents submit that entire Pension Fund Rules was framed in pursuance to the 12(3) settlement under the Industrial Disputes Act. Therefore, now the employees cannot turn around after their retirement and challenge the provisions.

8. This Court is of the considered view that 12(3) settlement entered into between the Trade Unions and Management under the Industrial Disputes Act are binding on all the employees, and in respect of the Pension Fund Rules, it would cover the pensioners also.

9. Pertinently, the writ petitioners herein are receiving two pensions. One under the Tamil Nadu Pension Rules, 1978 and other pension under the Pension Fund Rules. In this context, Rule 14(b) stipulates that

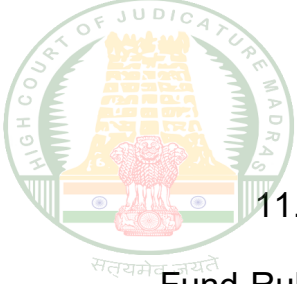


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“b) If a member is eligible for pension under any other scheme, pension payable under the scheme shall be calculated as follows:

Gross pension shall be calculated notionally including the period of pensionable service rendered with the previous employer. Total eligible service shall be restricted to 30 years. The difference between the gross pension and the amount already received by the individual for the service rendered with the previous employer or the pension eligible under the scheme which ever is less shall be the eligible pension under the scheme.”

10. No doubt, pension is not a bounty, but deferred portion of the services rendered by the employees. Thus, pension is a right. Such right is conferred strictly in accordance with the terms and conditions of the pension scheme applicable to an employee. Pension scheme is a policy decision and a welfare scheme introduced by the Government to protect the livelihood of the employees and their families after their retirement. Thus, the High Court, in exercise of the power of judicial review, can neither expand the pension scheme nor tinker with the eligibility criteria fixed for grant of pension, as it would result in a financial burden on the exchequer. Such welfare schemes are the policy decision, and if any grievance exist, the aggrieved pensioners association or the individual pensioner may approach the competent authority for redressal.



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11. As far as the impugned Rule 14(b) is concerned, entire Pension Fund Rules was framed in pursuance to 12(3) settlement under the Industrial Disputes Act entered into between trade union and management. Therefore, they cannot now turn around and challenge the said provision. Secondly, all the writ petitioners are receiving two pensions, i.e., under Tamil Nadu Pension Rules, 1978 and the Pension Fund Rules. This being the factum, this Court does not find any unconstitutionality in the matter of prescribing certain terms for grant of pension in respect of the services rendered by the employees both under the erstwhile Tamil Nadu State Transport Department and the subsequent Corporation constituted under the Companies Act.

12. With these observations, writ petitions are disposed of. Regarding Writ appeals filed by the State Transport corporation, in view of the above observations made in the writ petitions, writ order dated 30.09.2020 passed in W.P.Nos.6038 and 015 of 2012 are set aside and Writ Appeals stand allowed. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

(S.M.S.,J.) (N.S.,J.)
15-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

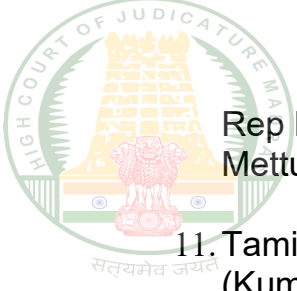
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To

1. Additional Chief Secretary
State of Tamil Nadu
Rep. by its, Transport Department, Fort
St.George, Chennai 09
2. The Secretary to the Government
Finance department, Fort St.George, Chennai
09
3. The Principal Accountant General (A and E)
Government of Tamil Nadu, Tamil Nadu,
Teyampet, Chennai 18
4. The Secretary,
The Government of Tamil Nadu
Transport Department, Government of
TamilNadu, Secretariat, chennai 600 009
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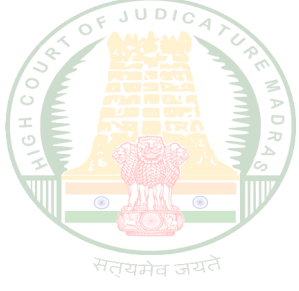
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**S.M.SUBRAMANIAM J.
AND
N.SENTHILKUMAR J.**

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WA NO. 2210 OF 2021,WA NO. 2221 OF 2021,WP NO. 6307 OF 2021,

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