

W.P.(MD)No.13607 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **09.07.2026**

CORAM

THE HONOURABLE **MR.JUSTICE MUMMINENI SUDHEER KUMAR**

W.P.(MD)No.13607 of 2026

Parimaladevi

... Petitioner

vs.

- 1.The Government of Tamil Nadu,
Represented by its Additional Chief Secretary,
Transport Department,
Fort St.George,
Chennai – 9.
 - 2.The Tamil Nadu State Transport Corporation (Madurai) Limited,
Represented by its Managing Director,
Bye Pass Road,
Madurai – 625 016.
 - 3.The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Virudhunagar Region,
Virudhunagar.
 - 4.Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Represented by its Administrator,
Thiruvalluvar Illam, Pallavan Salai,
Chennai – 2.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents to sanction and pay Dearness Allowance on Family Pension to the petitioner with effect from the date of death of her husband



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Late. Palsamy along with arrears payable from 19.09.2021 to till the date of disbursement along with interest at the rate of 6% per annum from 19.09.2021 to till the date of actual disbursement and further directing the respondents to continue to pay Dearness Allowance on her family pension as revised from time to time by the 1st respondent Government at the rates on par with the rates of dearness allowance paid to serving employees of 2nd respondent Corporation.

For Petitioner : Mr.A.Rahul
For R-1 : Mr.C.Jeganathan
Counsel for Government of Tamil Nadu
For R-2 & R-3 : Mr.S.Raja
For R-4 : Mr.S.C.Herold Singh

ORDER

Heard Mr.A.Rahul, learned Counsel for the Petitioner, Mr.C.Jeganathan, learned Counsel for Government of Tamil Nadu, who takes notice for the 1st Respondent, Mr.S.Raja, learned Counsel, who takes notice for Respondents 2 & 3 and Mr.S.C.Herold Singh, learned Counsel, who takes notice for the 4th Respondent.

2. This Writ Petition has been filed for issuance of Writ of Mandamus, directing the respondents to sanction and pay Dearness Allowance on Family Pension to the petitioner with effect from the date



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of death of her husband Late. Palsamy along with arrears payable from 19.09.2021 to till the date of disbursement along with interest at the rate of 6% per annum from 19.09.2021 to till the date of actual disbursement and further directing the respondents to continue to pay Dearness Allowance on her family pension as revised from time to time by the 1st respondent Government at the rates on par with the rates of dearness allowance paid to serving employees of 2nd respondent Corporation.

3. The petitioner herein is working as a Secondary Grade Teacher in the School Education Department of the Government of Tamil Nadu. Her husband, by name Palsamy, joined the 2nd respondent Corporation as a Driver on 01.02.1992 and was thereafter promoted to the post of Special Grade Driver. While working as such, he passed away on 19.09.2021. Thereafter, a Pension Payment Order dated 25.08.2023 was issued granting family pension to the petitioner with effect from the date of the death of her husband.

4. While the petitioner was drawing family pension, she realized that all other similarly situated persons were being paid Dearness Allowance on the said family pension, whereas the petitioner is not being paid the same. Hence, the petitioner submitted a representation dated 3/10



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28.02.2026 requesting the respondents to release Dearness Allowance on the family pension with effect from the date of the death of her husband. She also furnished details of similarly situated persons who had been paid Dearness Allowance. As no action was taken by the respondents on the said representation, the petitioner has approached this Court by filing the present Writ Petition.

5. When the matter was taken up for consideration on 30.04.2026, this Court ordered notice and directed the respondents to file a counter affidavit. However, no counter affidavit has been filed as on date.

6. Be that as it may, it is brought to the notice of this Court by Mr.A.Rahul, learned counsel appearing for the petitioner, that an identical issue came up for consideration before the Division Bench of this Court in W.A.(MD)No.556 of 2026, wherein the 2nd respondent Corporation was also a party respondent, and the issue was settled by the learned Division Bench once and for all by judgment dated 30.04.2026. Therefore, there is nothing for the 2nd respondent Corporation herein to contest the claim of the petitioner. He further submitted that the 2nd respondent is bound to pay Dearness Allowance on the family pension being drawn by the petitioner from the date of the demise of her husband.



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7. On the other hand, Mr.S.C.Herold Singh, learned Standing Counsel appearing for the respondent Corporation, brought to the notice of this Court the decision of a Coordinate Bench of this Court in W.P.No.36589 of 2015, dated 27.02.2026, and contended that, in terms of the said decision, the orders issued by the Government in G.O.Ms.No. 112, Finance (Pension) Department, dated 24.03.2008, have no application to the family pensioners of the 2nd respondent Corporation.

8. This Court has carefully considered the submissions made on either side and has gone through the entire materials available on record.

9. There is no dispute with regard to the factual aspects. No doubt, in the decision relied upon by the learned Standing Counsel appearing for the respondent Corporation, the learned Judge came to the conclusion that the orders issued in G.O.Ms.No.112, Finance (Pension) Department, dated 24.03.2008, have no application to the respondent Corporation. However, the fact remains that the very same Government Order fell for consideration before the Division Bench of this Court, and the Division Bench, after taking note of the said Government Order in paragraphs 12, 13 and 14, held as follows:



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“12. The ruling relied upon by the learned Senior Counsel for the appellant the judgment of the Hon'ble Apex Court in a case of Union of India v. Rekha Majhi, reported in (2000) 10 SCC 659, and the Madras High Court case in Tmt.P.Vanajakshi v. The Metropolitan Transport, reported in 2026 MHC 836, are not applicable, since the facts of the present case is different from those cases, where the writ petitioner in both the above mentioned cases was appointed in the compassionate appointment after the demise of their husband working in the Railways and have examined the meaning of “re-employment” under Rule 75(21) (ii) of the Railway Services (Pension) Rules, 1993.

13. It is to be noted that in the present case, the employment of the writ petitioner was not a consequence of the writ petitioner's husband's death, rather it was secured on the writ petitioner on her own merits before the writ petitioner's husband's passing away. The Dearness allowance received by the writ petitioner from her salary is not related to the service of the Writ petitioner's husband, it was related to the writ petitioner's service. In the same way, the Dearness Allowance on the family pension is linked to the service rendered by the deceased husband, which forms part of the terminal benefits from his employer. Thus, denying the DA on family pension does not prevent double



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benefits; instead, it merely penalises the family of the deceased because the writ petitioner was gainfully employed on her own merits.

14. It is to be noted that the Dearness Allowance on family pension was suspended by the Government of Tamil Nadu vide G.O.Ms.No.191, Finance (Pension) Department, dated 16.03.1996. Thereafter, as per the memorandum issued by the Government of India dated 02.07.1999 has issued orders allowing Dearness Allowance on family pension to the employed family pensioners at the rates applicable from time to time. In pursuance to the above said memorandum dated 02.07.1999, the Government of Tamil Nadu, vide G.O.Ms.No.112 dated 24.03.2008 allowed Dearness Allowance on family pension in the case of employed family pensioners and the same has been clearly mentioned in paragraph No.3 of the said G.O., cited supra. Therefore, we are of the view that rejecting the writ petitioner's request on the ground that since she is working as Deputy Director/P.A. (Agri) to the District Collector, Theni, she is not entitled for Dearness Allowance on family pension, is contrary to the above mentioned G.O.Ms.No.112 dated 24.03.2008. There is no merits in the writ appeal and the same is liable to be dismissed. Accordingly, this writ appeal is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.”



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10. In the light of the above decision, wherein the 2nd respondent herein was also a party, the 2nd respondent is bound by the said judgment.

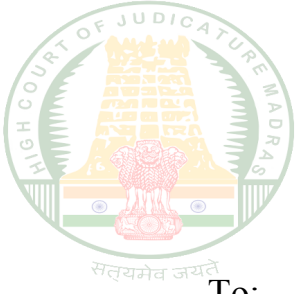
11. In the light of the above, the claim of the petitioner for payment of Dearness Allowance on the family pension being drawn by her from the date of the demise of her husband cannot be denied.

12. Accordingly, the Writ Petition is **disposed of**, directing the 2nd respondent to release the Dearness Allowance component on the family pension payable to the petitioner with effect from the date of the demise of her husband, i.e., 19.09.2021, and to continue to pay the same thereafter. The respondents shall also calculate and pay the arrears of Dearness Allowance due to the petitioner as expeditiously as possible and in any event, within a period of two months from the date of receipt of a copy of this order.

There shall be no order as to costs.

09.07.2026

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
Nsr



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- 1.The Additional Chief Secretary,
Transport Department,
Fort St.George,
Chennai – 9.
- 2.The Tamil Nadu State Transport Corporation (Madurai) Limited,
Represented by its Managing Director,
Bye Pass Road,
Madurai – 625 016.
- 3.The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Virudhunagar Region,
Virudhunagar.
- 4.Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Represented by its Administrator,
Thiruvalluvar Illam, Pallavan Salai,
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MUMMINENI SUDHEER KUMAR, J.

Nsr

Order made in
W.P.(MD)No.13607 of 2026

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