



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P. No.18915 of 2021

(Through Video Conferencing)

PokkuvarathukazhakaOyvu Petra
AluvalarNalaSangam, Kovai
(Regd. No.269 of 2011)
Rep by its Secretary,
K.S.ShanmugaVelayutham,
B-25, Cheran Colony, Thudiyalur Post,
Coimbatore-641034

...Petitioner

Vs

1. The State of Tamil Nadu,
Rep. By its Chairman of State Transport Undertakings and
Addl. Chief Secretary to Government,
Transport Department,
Chennai-600009

2. Tamil Nadu Sate Transport Corporation,
Employees Pension Fund Trust,
Rep. By its Administrator,
No.2 Pallavan Salai,
Chennai-600 002

3. Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
Rep. By its Managing Director,
No.37 Mettupalayam Road,
Coimbatore-641 043.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent herein to sanction Dearness Allowance to P.Amirthavalli, a member of the petitioner Associates herein out of total 192 members of the petitioner Association on the family pension received by her on account of death of her husband late P.Paramasivam w.e.f. February 2021 to till date and consequently direct the respondents herein to sanction Dearness Allowance to her whenever it is enhanced to serving employees and to pay the arrears of Dearness Allowance on the family pension payable to her with 6% interest in the light of Rule 20A and 21 of the Tamil Nadu State Transport Corporation Employees' Pension Fund



Rules and in the light of the orders of this Court in similar cases in W.P.(MD) No.20244 of 2016 dated 02.11.2016, W.P.(MD) No.25263 of 2018 dated 09.01.2019, W.P.(MD) No.1051 of 2019 dated 22.01.2019, W.P.(MD) No.8134 of 2017 dated 18.02.2019 and W.P.No.33305 of 2014 dated 20.01.2021.

For Petitioner : Mr.D.Soundar Raj

For R1 : Mr.L.S.M.Hazan Fizal
Government Advocate

For R2 : Mr.C.S.K.Sathish

For R3 : Mr.A.Sundaravadhanam

ORDER

The petitioner's husband died on 20.01.2021. After the death of the petitioner's husband the petitioner was receiving family pension. It is the case of the petitioner that though the family pension is being paid to the petitioner, it is being paid without Dearness Allowance. It is the further case of the petitioner that as per Clause 20 of the Tamilnadu State Transport Corporation Employees' Pension Fund, in addition to basic pension, the pensioners and family pensioners are also eligible for nominal Dearness Allowance at the rates that may be determined by the Government of Tamilnadu.

2.It is the case of the petitioner that as on date G.O.Ms.No.327 dated 21.10.2019 is in force. It is the further case of the petitioner that under similar circumstances, this Court is allowed the reliefs to the pensioners (recipient of family pension) by its order dated 24.07.2008 in W.P.(MD). No.8475 of 2007 in the case of Fathima Jansirani Vs. Secretary to Government and others and in view of the other decision of this Court rendered in W.P.(MD).No.20244 of 2016 in the case of T.Rajeswari Vs. Tamilnadu State Transport Corporation (Madurai) Ltd and W.P.(MD).No.25263 of 2018 in the case of V.Savithri Vs. The Tamilnadu State Transport Corporation (Kumbakonam) Ltd and W.P.(MD).No.1051 of 2019 in the case of V.Pushparani Vs. The Tamilnadu State Transport Corporation (Kumbakonam) Ltd.

3.Considering the fact, that the Dearness Allowance is to be paid to the pensioner (recipient of a family pension) as per the Tamilnadu State Transport Corporation Employees' Pension Fund, the respondents are directed to release the same together with the arrears of the petitioner by applying G.O.Ms.No.327 dated



21.10.2019 within a period of four weeks from the date of receipt of a copy of this order.

4.This writ petition stands disposed of with the above observations. No costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman of State Transport Undertakings and
Addl. Chief Secretary to Government,
Transport Department,
Chennai-600009
2. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Fund Trust,
No.2 Pallavan Salai,
Chennai-600 002
3. The Managing Director,
Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
No.37 Mettupalayam Road,
Coimbatore-641 043.

+1cc to Mr.D.Soundar Raj, Advocate, S.R.No.45645

+1cc to the Government Pleader, S.R.No.46121

W.P. No.18915 of 2021

RGN[co]

NSK 02/11/2021