



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2021

CORAM:

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P. (MD) .No.20715 of 2021

WEB COPY

1.Tamil Nadu State Transport Corporation,
Retired and Pensioners Welfare Association,
At No.260B, Deeran Nagar,
Tiruchirappalli-9,
(Registered No.86/2007)
Rep.by its President,
M.Egambaram,
S/o.Maruthanayagam,
Varavanai Village and Post,
Kadavur Taluk,
Karur District.

2.K.Maruthamuthu
General Secretary of TNSTC Retired & Pensioner Welfare Association,
No.260B, 7th Cross Deeran Nagar,
Trichy.

3.S.Jeyachandran
Deputy Secretary & Treasurer of TNSTC Retired & Pensioner Welfare
Association,
No.885, Indira Nagar 1st Street,
Arasu Cement Factory (Post),
Ariyalur-621 729.

... Petitioners

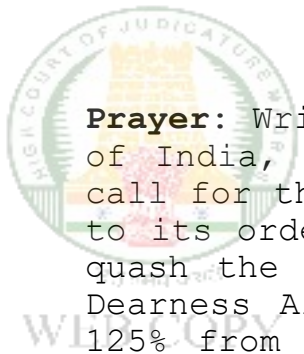
Vs.

1. The State of Tamil Nadu
Rep.by its Chief Secretary,
Secretariat,
Chennai-600 009.
2.The Additional Chief Secretary to Government,
Transport (E) Department,
Secretariat, Chennai-600 009.

3.The State of Tamil Nadu
Rep.by its Finance Secretary
Department of Finance
Secretariat, Chennai-600 009.

4.The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai-600 002.

... Respondents



Prayer: Writ petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, to call for the records on the file of the second respondent pertaining to its order bearing Letter No.982/E/2021-1 dated 28.07.2021 and to quash the same and consequently direct the respondents to pay the Dearness Allowances enhancement of 119% with effect 1st July 2015, 125% from 1st January 2016, 132% from 1st July 2016, 136% from 1st January 2017, 139% from 1st July 2017, 142% from 1st January 2018 and 173% from 1st July 2019 to the pensioners and family pensioners along with interest at the rate of 18% per annum within a stipulated period that may be fixed by this Court.

For Petitioner : Mr.N.Sudhagar Nagaraj
For Respondents : Mr.J.Ashok
Additional Government Pleader

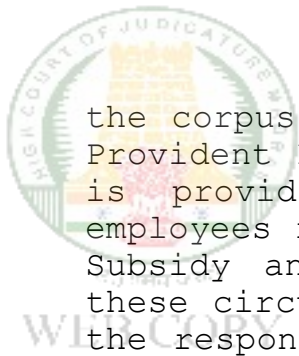
O R D E R

This writ petition has been filed as against the order of the second respondent passed in Letter No.982/E/2021-1 on 28.07.2021, to pay dearness allowances to the pensioners and family pensioners.

2. According to the petitioners, the respondents have failed to give Dearness Allowance to the pensioners and family pensioners from 1st July 2015 to till date, as per G.O.Ms.No.125, Finance [Allowances] Department, dated 11.04.2018. Therefore, they have made a representation on 06.06.2021 to the second respondent to grant Dearness Allowance to the pensioners and family pensioners. However, the second respondent, without considering the rules, passed the impugned order vaguely with a malafide intention not to grant the benefits, though there is a specific Government Order to grant the Dearness Allowances to the pensioners and family pensioners.

3. The learned counsel, who represents the Association, submits that when the Corporation was administered by the District Collector, it was profitable. However, now a decision has been taken to not run the Corporation because of the activities of the concerned Engineers. If a proper administration is in the Corporation, there is every possibility for better development in the Corporation. He also informed to this Court that this Court, in similar writ petition, has also issued a direction to the Government to appoint an I.A.S Officer as Administrator in the Corporation. However, the Government has not bothered about the direction issued by this Court and the loss occurred in the Corporation.

4. The fact remains that the Corporation is running in loss and the Government is providing salary from the general fund to the employees. However, without realizing the difficulties faced by the Corporation, these petitioners are claiming dearness allowance to the pensioners. In the impugned order, it is clearly stated that



the corpus fund of Tamil Nadu State Transport Corporation Employees Provident Fund Trust has been completely eroded and the Corporation is providing pension/family pension to the retired Transport employees from the students subsidy, HSD Oil Subsidy, Senior Citizen Subsidy and Freedom Fighter Subsidy given by the Government. In these circumstances, it is not appropriate for this Court to direct the respondents to grant Dearness Allowance to the pensioners and family pensioners. Hence, this Court is not inclined to give any direction to the respondents in this regard.

5. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ssb

To

- 1.The Chief Secretary,
The State of Tamil Nadu
Secretariat,Chennai-600 009.
- 2.The Additional Chief Secretary to Government,
Transport (E) Department,
Secretariat, Chennai-600 009.
- 3.The Finance Secretary
The State of Tamil Nadu
Department of Finance
Secretariat, Chennai-600 009.
- 4.The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,Chennai-600 002.

+1 CC to M/s.SPL GP (SR-35337[F] dated 22/11/2021)

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19.11.2021

SAR(CO)

KB(31.12.2021) 3P 6C