



WEB COPY

W.P.No. 5923 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 5923 of 2018
and
WMP. No. 7296 of 2018

Revathi

... Petitioner

Vs.

1. The Managing Director,
Tamilnadu State Transport
Corporation (Salem) Ltd.,
102/12, Ramakrishna Road,
Salem.
2. The Branch Manager,
Tamilnadu State Transport,
Corporation (Salem) Ltd.,
Rasipuram Branch,
Namakkal District.
3. The Administrator,
Tamil Nadu State Transport Corporation,
Employees Pension Fund Trust,
Thiruvallurvar House,
Pallavan Salai,
Chennai – 600 002.

... Respondents

Prayer: Writ Petition filed Under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the first respondent vide his office proceedings Na.Ka.No. 3536-1/Pension-1/Tha.Aa.Po.Ka. (Salem)/2017 dated 2.5.2017 and quash the same and direct the respondents to pay Family



pension to the petitioner for the death of her husband namely A.P. Kandasamy i.e on 23.08.2015 while in service from the date of his death and other monetary benefits.

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For Petitioner	: Mr. M. Karthik for Mr. I.C. Vasudevan
For Respondents	: Mr. R. Babu for R1 and R2 Mr. C.S.K. Sathish for R3

ORDER

The rejection order dated 02.05.2017, rejecting the claim of the writ petitioner for grant of family pension, is under challenge in the present writ petition.

2. The disputes between the parties are that the husband of the writ petitioner late Kandasamy was employed as Driver and on account an allegation of unauthorised absence, he was terminated from service. Thereafter, based on the negotiations between the parties, the husband of the writ petitioner was reinstated on 14.03.2001 on temporary basis. However, the services of the husband of the writ petitioner was regularised with effect from 01.09.2005, after the cut of date 01.04.2003, for granting of pension under the pension regulations.



3. In view of the fact that the services of the husband of the writ petitioner was regularised after the cut of date, 01.04.2003, the respondents rejected the case of the petitioner for grant of family pension.

4. The interpretation of the pension regulations applicable to the transport employees were elaborately considered by this Court in W.P.No. 10677 of 2015 and a judgment was delivered on 12.09.2022. Accordingly, the regular employees whose services were regularised prior to 01.04.2003 alone are entitled for the benefit of pension regulation and more so, in the present case, the husband of the writ petitioner was brought under the regular employment only on 01.09.2005. Thus, this Court do not find any infirmity in respect of the order passed by the respondents. Therefore, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

13.10.2022

mrn

Index : Yes / No

Speaking order / Non-Speaking order



To

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Salem.
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S.M.SUBRAMANIAM, J.

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