



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.7542 of 2015  
and W.M.P.No.4007 of 2017  
and M.P.Nos.1 & 2 of 2015

C. Shanmugam

..Petitioner

Vs.

1.The Administrator,  
Tamilandu State Transport  
Employees Pension Fund Trust,  
Thiruvalluvar Illam,  
Pallavan Salai,  
Chennai - 600002.

2.The Managing Director,  
Tamilnadu State Transport Corporation  
(Coimbatore Division) Ltd.,  
37, Mettupalayam Road,  
Coimbatore - 641 043.

... Respondents

PRAYER: This Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus directing the Respondents to continue to pay monthly pension of Rs. 4,734/- and above with effect from 01.12.2012 onwards without any reduction to the Petitioner and award costs.

For Petitioner : Mr.S.Ayyathurai

For Respondents : Mr.C.S.K.Sathish for R1  
Mr.A.Sundaravadanam for R2

ORDER

The petitioner while serving as a Driver under the respondent Corporation, had retired from service on 30.06.2010. Thereafter he was being paid a monthly pension of Rs.4,226/- and in the month of December 2011, he had drawn his monthly pension of Rs. 4,734/-. While that being so, in the month of January 2012, the respondents had unilaterally reduced the petitioner's pension from Rs.4,734/- to Rs.2,565/-. Admittedly no prior notice was issued, while reducing his pension. In this regard



the petitioner had given many representations seeking for restoration of his original pension, which were not considered. Aggrieved against the reduction in the pension, the present Writ Petition has been filed.

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2. The action on the part of the respondents in reducing the pension, is liable to be struck down, primarily on the ground that it is in violation of the principles of natural justice. The petitioner was not put on prior notice, for the purpose of reduction of pension. It is seen that no reasoning was given by the respondents, as to why the petitioner's monthly pension was reduced. Admittedly there were no proceedings initiated against the petitioner for such reduction.

3. Even assuming that such proceedings were initiated, the same cannot be sustained, since the respondents do not claim that the permission of the Government was sought for the purpose of initiating action against a pensioner, as required under the proviso (b) (i) of Rule 6(1) of Tamil Nadu Pension Rules. While that being so, the action initiated by the respondents in reducing the pension, cannot be sustained.

4. Consequently, there shall be a direction to the respondents herein to refund the difference of monthly pension reduced from the month of January 2012, till date and further restore the original pension and continue to pay the same to the petitioner. Such orders shall be passed atleast within a period of six (6) weeks from the date of receipt of a copy of this order.

5. Accordingly, this Writ Petition stands allowed. No costs. Connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-II)

//True copy//

Sub Assistant Registrar

Pns



To

1.The Administrator,  
Tamilandu State Transport  
Employees Pension Fund Trust,  
Thiruvalluvar Illam,  
Pallavan Salai,  
Chennai - 600002.

2.The Managing Director,  
Tamilnadu State Transport Corporation  
(Coimbatore Division) Ltd.,  
37, Mettupalayam Road,  
Coimbatore - 641 043.

+1cc to Mr.A.Sundaravadanan, Advocate SR.No.22941

+1cc to Mr.C.S.K.Sathish, Advocate SR.No.23159

+1cc to Mr.S.Ayyathurai, Advocate SR.No.22591

W.P.No.7542 of 2015

SSV(CO)  
GMY(22/04/2022)