



WP No.9411 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17-10-2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.9411 of 2017

A.Ravi

..

Petitioner

vs.

1.The Government of Tamil Nadu represented
by the Principal Secretary to Government,
Transport Department,
Fort St. George,
Secretariat,
Chennai – 600 009.

2.The Managing Director,
Tamil Nadu State Transport Corporation
Villupuram (Limited),
3/137, Salamedu,
Vazhuthareddy Post,
Villupuram – 605 602.

3.The General Manager,
Tamil Nadu State Transport Corporation
Villupuram (Limited),
Thiruvannamalai Region,
Thiruvannamalai.



WP No.9411 of 2017

WEB COPY

4. The Administrator,
Tamil Nadu State Transport Employees
Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai,
Chennai – 600 002. ..

Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the third respondent issued in Letter No.5079/ E.Thee/ Accounts/ TNSTC(Vill)Ltd/ TVM/2015 dated 04.09.2016 and quash the same and direct the respondents to count the petitioner's qualifying service from the date on which the petitioner became the member of the Tamil Nadu Transport Corporation Employees' Pension Fund i.e., from August, 1998 to 30.04.2016 (17 years and 9 months) for the purpose of calculation of his retirement benefits and pay him the pension with effect from 01.05.2016 and other retirement benefits, including pension arrears with due interest for the said belated payment.

For Petitioner	: Mr.P.Mohanraj
For Respondent-1	: Mr.R.P.Murugan Raja, Government Advocate.
For Respondents-2 and 3	: Mr.M.Aswin



WP No.9411 of 2017

For Respondent-4

: Mr.C.S.K.Sathish

WEB COPY

ORDER

The order of rejection rejecting the claim of the writ petitioner for grant of pension under the Tamil Nadu State Transport Corporation Employees' Pension Fund, is under challenge in the present writ petition.

2. The petitioner was appointed as Driver on daily wage basis in the year 2001. Admittedly, he was absorbed as a regular employee in the time scale of pay during the year 2005.

3. However, the learned counsel for the petitioner states that the Provident Fund amount contribution was recovered from the writ petitioner and therefore, the writ petitioner is entitled for the pensionary benefits under the Tamil Nadu State Transport Corporation Employees' Pension Fund Scheme.



WP No.9411 of 2017

WEB COPY

4. The petitioner was permitted to retire from service on 30.04.2016 on attaining the age of superannuation. Thereafter, he made several representations for the disbursement of his pension and retirement benefits, which was not considered.

5. The other person Smt.S.Jenova Mary filed WP(MD) No.9815 of 2013, which was allowed by the Madurai Bench of this Court on 13.06.2016 and relying on the said order, the petitioner states that he is also entitled for the pension and pensionary benefits under the Tamil Nadu Pension Fund Scheme.

6. The learned counsel for the petitioner relied on the order passed in WP No.34887 of 2007 dated 25.10.2016 and the other order of the Madurai Bench of this Court, namely, WP (MD) Nos.13232 of 2017 and 22238 of 2019 dated 01.08.2022.

7. However, this Court has elaborately considered the scope of



WP No.9411 of 2017

the provisions of the Tamil Nadu State Transport Corporation Employees' Pension Fund Rules and accordingly, held that the regular employees of the State Transport Corporation alone are entitled for the pensionary benefits under the Tamil Nadu State Transport Corporation Employees' Pension Fund Rules. The various provisions of the said Rules were interpreted elaborately by this Court and therefore, the regular employees of the Tamil Nadu State Transport Corporation alone are entitled to claim the benefits under the said Pension Fund Scheme.

8. Admittedly, the petitioner became the regular employee of the Tamil Nadu State Transport Corporation on 20.09.2005 i.e., after the cut off date on 01.04.2003 and therefore, he is not falling under the Old Pension Scheme and covered under the New Pension Scheme, namely, the Contributory Pension Scheme.

9. In respect of the claim of the writ petitioner, he would be eligible to receive all the benefits under the Contributory Pension Scheme implemented after 01.04.2003. However, the impugned order stating that the



WP No.9411 of 2017

petitioner is not eligible for the benefits under the Old Pension Scheme is not infirm and in consonance with the Rules, which was interpreted by this Court in WP No.10677 of 2015 dated 12.09.2022.

10. Thus, the present writ petition is devoid of merits and stands dismissed. However, there shall be no order as to costs.

17-10-2022

Index : Yes/No.
Internet : Yes/No.
Speaking Order/Non-Speaking Order.
Svn

To

1.The Principal Secretary to Government,
Government of Tamil Nadu,
Transport Department,
Fort St. George,
Secretariat,
Chennai – 600 009.

2.The Managing Director,
Tamil Nadu State Transport Corporation
Villupuram (Limited),
3/137, Salamedu,
Vazhuthareddy Post,
Villupuram – 605 602.

6/8



WP No.9411 of 2017

WEB COPY

3.The General Manager,
Tamil Nadu State Transport Corporation
Villupuram (Limited),
Thiruvannamalai Region,
Thiruvannamalai.

4.The Administrator,
Tamil Nadu State Transport Employees
Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai,
Chennai – 600 002.



WEB COPY



WP No.9411 of 2017

S.M.SUBRAMANIAM, J.

Svn

2017

WP 9411 of

17-10-2022

8/8