



W.P.No.512 of 2018

**WEB COPY IN THE HIGH COURT OF JUDICATURE OF MADRAS**

**DATED: 06.03.2023**

**CORAM:  
THE HON'BLE MRS.JUSTICE S. SRIMATHY**

**W.P.No.512 of 2018**

K.Krishnan

...Petitioner

Vs

1.The Government of Tamil Nadu,  
Rep by its Secretary,  
Transport Department,  
Fort St. George, Chennai 9.

2.The Tamilnadu State Transport  
Corporation (Salem) Limited,  
Rep by its Managing Director,  
No.12, Ramakrishna Road,  
Salem 7.

3.Tamil Nadu State Transport Corporations  
Employees Pension Fund Trust,  
Rep by its Administrator,  
Thiruavllluvar Illam,  
Pallavan Salai,  
Chennai 2.

...Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records pertaining to the order dated 14.05.2015 passed by the third respondent in Letter No.26/P2/TNSTC EPFT/2015-134, quash the same



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and consequently direct the third respondent to sanction and pay the petitioner monthly pension of Rs.23,150/- as per para 2 (iv) of G.O.Ms.No.235, Finance (Pay Cell) Department dated 01.06.2009, after deducting the pension which he was receiving for the service rendered in Public Works Department, with effect from 01.01.2006 with arrears and all other consequential benefits, together with interest at the rate of 18% per annum, award costs.

For Petitioner : No representation

For Respondents : Mr.T.Chezhiyan  
Additional Government Pleader

### **ORDER**

This Writ Petition is filed challenging the impugned Letter No.26/P2/TNSTC EPFT/2015-134 dated 14.05.2015 passed by the third respondent and consequently, direct the third respondent to grant monthly pension as per G.O.Ms.No.235, Finance (Pay Cell) Department dated 01.06.2009.

2. The case of the petitioner is that the petitioner has served in the Public Works Department from 29.07.1963 to 25.12.1973. Thereafter, on deputation, he was transferred to the 2<sup>nd</sup> respondent Corporation on 26.12.1973 and completed his service in the Corporation and attained Superannuation on 31.01.2000. The petitioner is receiving pension for the service rendered in the Public Works Department. The petitioner is



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receiving contributory pension from the scheme of Tamil Nadu State Transport Corporation Employee's Pension, which was implemented w.e.f. 01.09.1998. Thereafter, Tamil Nadu Government issued G.O.(Ms).No.235, Finance (Pay Cell) Department, dated 01.06.2009 for revision of pension and pensionary benefits to the retired Government Employees. The said Government Order was extended to all the existing pensioners and family pensioners of government servants. Further, Tamil Nadu Government issued G.O.(Ms).No.280, Finance (BPE) Department, dated 01.07.2009 for revision of pension and pensionary benefits to the retired Government servants and family pensioners of the Statutory Boards and Public Sector Corporations. Tamil Nadu Government extended the revised scale of pay and other benefits as applicable to the Government servants to the employees of the State Transport Corporation by G.O.(Ms). No.63, Transport (D) Department, dated 05.02.2010, who belong to Managerial cadre and supervisory cadre with effect from 01.01.2006 notionally and with monetary benefits with effect from 01.01.2007. Thereafter, the first respondent issued a Letter (Ms).No.194 dated 11.08.2010 to the 3<sup>rd</sup> respondent and directed the third respondent to revise the pension and family pension to all the existing beneficiaries based on the revised pay scales which were implemented to the State Government Undertakings as



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per G.O.Ms.No.280, Finance (BPE) Department, dated 01.07.2009. Since the petitioner submits several representations, the Government directed the third respondent to offer remarks to the petitioner's representation. The third respondent has submitted the remarks dated 14.05.2015 by stating that the petitioner had rendered less than 30 years of service in the Transport Corporation and hence, the petitioner is not entitled to get 50% of minimum pay as pension. This communication is put to challenge.

3. The contention of the petitioner is that he had rendered more than 30 years of service in the Public Works Department as well as the Transport Corporation. Therefore, the petitioner is seeking to add the service in the Public Works Department, so that, 30 years can be calculated. Since the petitioner has rendered two different services, he is neither in the government service nor in the corporation service for the entire 30 years period. Unless the two services are added together the petitioner may not be entitled to. If the petitioner rendered in PWD for 30 years he would be eligible for benefits under G.O.(Ms).No.235. If the petitioner rendered in Corporation for 30 years then he would be eligible for benefits under G.O.(Ms). No.63. Unfortunately he would not come under either this G.O.(Ms).No.235 or G.O.(Ms). No.63. Hence, the reply of the third respondent is not acceptable. Admittedly, the petitioner has rendered more



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than 30 years by including both the service in the Public Works Department as well as Corporation service. Therefore, this Court is inclined to pass the following order:

*i. The impugned order dated 14.05.2015 in Letter No.26/P2/TNSTC EPFT/2015-134 is set aside.*

*ii. The first respondent is directed to consider the service rendered by the petitioner in the Public Works Department and service rendered in the Corporation for the purpose of calculating pension*

*iii. The respondents shall consider the claim of the petitioner in the light of aforesaid G.O.s.*

*iv. If need be the government shall consider to issuing separate government order to grant the said benefits to people similarly placed like that of the petitioners.*

*v. Since the issue comes within the domain of policy decision, the 1<sup>st</sup> respondent shall consider and pass orders dehors of the opinion of the 3<sup>rd</sup> respondent.*

*vi. The above said directions shall be completed within a period of eight weeks from the date of receipt of a copy of this order.”*

4. With the above directions, this Writ Petition stands allowed. No



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costs.

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Index: Yes/No

Speaking order/Non-speaking order  
vkr

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**S.SRIMATHY, J.**

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