



W.P.No.1593 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2023

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.1593 of 2017

- 1.A.Deenadayalan (Deceased)
- 2.Chandra
- 3.Suganthamala
- 4.Gayathri

... Petitioners

[P2 to P4 substituted as LR's of the deceased sole petitioner vide order dated 12.06.2023 made in W.M.P.No.16324 of 2023 in W.P.No.1593 of 2017]

Vs.

1.Government of Tamil Nadu,
Rep. by the Secretary to Government,
Transport Department,
Fort St. George,
Chennai-600 009.

2.Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Rep. by its Managing Director,
No.137, Salamedu Village,
Vazhuthareddy Post,
Villupuram.



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3. Tamil Nadu State Transport Corporation
Employees' Pension Fund Trust,
Rep. by its Administrator,
Pallavan Salai,
Chennai-600 002.

... Respondents

[R3 impleaded vide order dated
10.10.2023 made in
W.M.P.No.28972 of 2023 in
W.P.No.1593 of 2017]

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to pay dearness allowance as per Clause 20-A of the TNSTC Pension Fund Rules from the date of petitioner's superannuation from service and also to extend the benefits of settlements regarding revised pay scales for the purpose of granting revised pension and consequently pay the arrears of difference of pension with interest within a time frame.

For Petitioner : Mr.K.M.Ramesh
Senior Counsel
for Mr.V.Subramani

For Respondents
For R1: Mr.L.S.M.Hasan Fizal
Additional Government Pleader

For R2: Mrs.S.Pavithra

For R3: Mr.C.S.K.Sathish



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ORDER

This Writ Petition has been filed for a direction to the 2nd respondent to pay dearness allowance as per Clause 20-A of the TNSTC Pension Fund Rules from the date of petitioner's superannuation from service and also to extend the benefits of settlements regarding revised pay scales for the purpose of granting revised pension and consequently pay the arrears of difference of pension with interest within a time frame.

2. The original petitioner died, pursuant to which, the legal heirs of the deceased employee was already brought on record.

3. It is the case of the petitioners that the deceased petitioner was absorbed in Pallavan Transport Corporation District Wing on 16.01.1975 and posted to work at Villupuram Head Office and thereafter, the said Pallavan Transport Corporation District Wing was renamed as Thanthai Periyar Transport Corporation with headquarters at Villupuram



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and again, its name has been changed to Tamil Nadu State Transport Corporation (Villupuram) Limited / R2 herein. It is further case of the petitioners that by virtue of seniority, the deceased employee was promoted to various posts and ultimately, became Senior Superintendent and attained the age of superannuation on 31.03.2002. He is entitled to pension for the services rendered from 16.01.1975 to 31.03.2002, payable as per TNSTC Employees Pension Fund Rules.

4. It is stated by the petitioners that in terms of a Settlement arrived at under Sec. 12(3) of the Industrial Disputes Act, 1947 between the Transport Corporations and the Unions under Clause 18 of the Settlement, the Transport Corporations agreed to frame a Pension Scheme and the Government issued G.O.Ms.No.135, Transport Department, dated 15.12.2000 approved Tamil Nadu State Transport Corporation Employees Pension Fund Rules. Clause 20-A of TNSTC Pension Fund Rules provides for payment of dearness allowance in addition to the basic pension as determined by the Government from time to time. Therefore the monthly



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pension payable to a retired employee will not be static but it will be changing depending upon the dearness allowance variations. It is stated that the 2nd Respondent issued the Pension Payment Order dated 31.12.2004 in which, his eligible pension was arrived at Rs.3235/- and he was not paid dearness allowance as per Clause 20A of the TNSTC Pension Fund Rules. Subsequent to the retirement of the deceased employee, the Respondent Transport Corporation entered into a settlement with the Unions wherein the retired employees have also been given benefit of increase and the same had not been extended to him.

5. It is further stated that the Government issued a Government Order by modifying the pay scales with retrospective effect, on the basis of which, the deceased employee was entitled to be fixed in the revised pay scale and the 2nd Respondent has not undertaken the exercise of revising his pay scale even after repeated representations. He finally submitted a representation dated 13.12.2014, for which, a reply was sent by the General Manager of the 2nd Respondent Corporation on 03.03.2015, stating that the



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deceased employee cannot be paid full pension, as he is in receipt of Government Pension in terms of Rule 14(b) of the TNSTC Employees Pension Fund Rules and that, for extending the benefits of the settlements, the Government orders are awaited.

6.Considering the facts and circumstances of the case, the petitioners are directed to make a fresh representation to the concerned Authority within a period of two weeks from the date of receipt of a copy of this order and on receipt of such representation, the said Authority is directed to pass appropriate orders as per the rules on the date of the deceased Deenadayalan retired from service and the present rules wherever any other modifications regarding revision of pension made also should be taken into account and pass orders within a period of six weeks.

7.Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

15.12.2023

Index : Yes/No
Neutral citation:Yes/No
mps



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The Secretary,
Transport Department,
Fort St. George,
Chennai-600 009.



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V.BHAVANI SUBBAROYAN, J,

mps

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