



W.P.(MD).No.8828 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 13.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.8828 of 2023

M.Vairamani

... Petitioner

-VS-

1.The Managing Director,
Tamilnadu State Transport Corporation,
Madurai Zonal Office,
Madurai.

2. The General Manager,
TamilNadu State Transport Corporation,
Madurai.

3. The Chief Officer,
TamilNadu State Transport Corporation,
Employees Pension Fund Trust,
Thiruvalluvar House,
Chennai-600 002.

4. The Deputy Manager,
TamilNadu State Government,
Transport Corporation,
Provident Fund Division,
Madurai.

... Respondents



W.P.(MD).No.8828 of 2023

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 4th respondent in வைநிதி6/1184 dated 13.12.2022 and thereby directing the third and fourth respondents to provide all the service benefits attached with the service of the petitioner's husband along with family pension from the date of retirement of her husband.

For Petitioner : Mr.CM.Arumugam

For Respondents : Mr.S.C.Herold Singh,
Standing Counsel

ORDER

The instant writ petition has been filed by the wife of a deceased employee of the respondent Transport Corporation, challenging the order passed by the fourth respondent herein on 13.12.2022, wherein, request of the petitioner for disbursement of family pension has been rejected.

2. A perusal of the impugned order reveals that since the petitioner's husband has attained superannuation before 01.01.1998, the employee or his wife are not entitled to receive any pension. This order is put to challenge in the present writ petition.



W.P.(MD).No.8828 of 2023

WEB COPY

3. According to the learned Counsel appearing for the writ petitioner, the petitioner's husband has completed twenty years of qualifying service and therefore he is entitled to receive pension under Rule 11 of Tamilnadu Pension Rules, 1978 and therefore the reason assigned by the respondents that the petitioner's husband is not entitled to get pension or the petitioner is not entitle to receive the family pension are not legally sustainable. Hence, he prays for allowing the writ petition and for disbursement of family pension.

4. Per contra, the learned Standing Counsel appearing for the respondents transport corporation submits that the pension and family pension were introduced to the employees of the transport corporation only with effect from 01.09.1998. The petitioner's husband, having retired on 30.06.1993, is not eligible for any pension. In such circumstances, the question of family pension does not arise.

5. I have carefully considered the submissions made on either side and perused the materials available on record.



W.P.(MD).No.8828 of 2023

WEB COPY

6. As far as the employees of the transport corporation are concerned they are governed by TamilNadu State Transport Corporation Employees Pension Fund for payment of pension and family pension. Rule 1(b) points out that the said rule came into effect from 01.09.1998 onwards. Admittedly, the petitioner's husband had attained superannuation on 30.06.1993, and he was not receiving pension till his demise on 30.10.1995. Therefore, the question of payment of family pension to the petitioner after the death of her husband does not arise. That apart, the Tamilnadu Pension Rules is not applicable to the employees of the TamilNadu Sate Transport Corporation.

7. In view of the above said facts, there are no merits in this writ petition, this writ petition stands dismissed. No costs.

13.12.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
gvn



W.P.(MD).No.8828 of 2023

WEB COPY

To

1.The Managing Director,
Tamilnadu State Transport Corporation,
Madurai Zonal Office,
Madurai.

2. The General Manager,
TamilNadu State Transport Corporation,
Madurai.

3. The Chief Officer,
TamilNadu State Transport Corporation,
Employees Pension Fund Trust,
Thiruvalluvar House,
Chennai-600 002.

4. The Deputy Manager,
TamilNadu State Government,
Transport Corporation,
Provident Fund Division,
Madurai.



WEB COPY



W.P.(MD).No.8828 of 2023

R.VIJAYAKUMAR,J.

gvn

W.P(MD)No.8828 of 2023

13.12.2024