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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reservation	10.07.2024
Date of Judgment	10.09.2024

CORAM

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
AND
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.P.Nos.18268 and 17387 of 2021
and
WMP.Nos.19505 and 18441 of 2021**

W.P.No.18268 of 2021

1.M.Fazlulhuq
2.V.Loganathan

... Petitioners

-VS-

- 1.The State of Tamil Nadu,
Rep. by its Chief Secretary to Government,
Secretariat, Chennai-600 009.
- 2.The State of Tamil Nadu,
Rep. by its Additional Chief Secretary to Government,
Finance Department,
Secretariat, Chennai-600 009.
- 3.The State of Tamil Nadu,
Rep. by its Additional Chief Secretary to Government,
Transport Department,
Secretariat, Chennai-600 009.



4. Tamil Nadu State Transport Corporations
Employees' Pension Fund Trust,
Rep. by its Administrator,
No.2, Pallavan Salai,
Chennai-600 002.

5. Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Rep. by its Managing Director,
No.3/137, Salamedu,
Villupuram-605 602.

.. Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the third respondent herein in G.O.(Ms)No.142 Transport (E) Department, dated 26.08.2019 and quash the sub para (c) of para 3 in so far as the two writ petitioners are concerned and consequently, direct the third respondent herein to direct the respondents 4 and 5 herein to pay the Dearness Allowance at the present enhanced rate to the two writ petitioners herein and also direct the third respondent herein to enhance the Dearness Allowance to the petitioners herein whenever it is revised to the serving employees of the fifth respondent corporation herein in the future in the light of the Rule 20A and 21 of the Tamil Nadu State Transport Corporation Employees' Pension Fund Rules and G.O. (Ms).No.303 Finance (Pay Cell) Department, dated 11.10.2017 and G.O. (Ms).No.134 Transport (D) Department, dated 09.04.2018 and pay the consequential arrears of Dearness Allowance with 6% interest.



For Petitioners : Mr.D.Soundar Raj

For Respondents : Mr.M.R.Gokul Krishnan
Additional Government Pleader for R1 to R3

Mr.P.S.Raman
Advocate General
assisted by Mr.C.S.K.Sathish
Standing Counsel for R4

Mr.M.Ashwin
Standing Counsel for R5

W.P.No.17387 of 2021

Pokkuvarathu Kazhaka Oyvu Petra
Aluvalar Nala Sangam,
Kovai,
(Regd. No.269 / 2011)
Rep. by its Secretary,
K.S.Shanmuga Velayutham,
B-25, Cheran Colony,
Thudiyalur Post,
Coimbatore-641 034.

... Petitioner

-VS-

1.The State of Tamil Nadu,
Rep. by its Additional Chief Secretary to Government,
Transport Department,
Secretariat, Chennai-600 009.

2.Tamil Nadu State Transport Corporations
Employees' Pension Fund Trust,
Rep. by its Administrator,
No.2, Pallavan Salai,
Chennai-600 002.



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3. Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
Rep. by its Managing Director,
37 Mettupalayam Road,
Coimbatore-641 043.

... Respondents

[Respondents cause title amended vide order of this
Court dated 10.09.2024]

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the third respondent herein in G.O.(Ms)No.142 Transport (E) Department, dated 26.08.2019 and quash the sub para (c) of para 3 which is against Rule 20A and 21 of the Tamil Nadu State Transport Corporation Employees' Pension Fund Rules in so far as the 35 members out of total 192 members of the petitioner Association is concerned and consequently to direct the respondents herein to pay the Dearness Allowance at the present rate to the 35 members out of total 192 members of the petitioner Association as per the list enclosed herewith and also to direct the respondents herein to enhance the Dearness Allowance whenever it is revised to the serving employees of the fifth respondent corporation herein in the light of Rules 20A and 21 of the Tamil Nadu State Transport Corporation Employees' Pension Fund Rules and pay the consequential arrears of Dearness Allowance with 6% interest.

For Petitioner : Mr.D.Soundar Raj

For Respondents : Mr.M.R.Gokul Krishnan
Additional Government Pleader for R1



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Mr.P.S.Raman
Advocate General
assisted by Mr.C.S.K.Sathish
Standing Counsel for R2

Mr.Murali Vinodh
Standing Counsel for R3

COMMON ORDER

D.BHARATHA CHAKRAVARTHY, J.

W.P.No.18268 of 2021 is filed with a prayer to quash the order of the third respondent herein in G.O.(Ms)No.142 Transport (E) Department, dated 26.08.2019 in sub para (c) of para 3 in so far as the writ petitioners are concerned and consequential direction to the respondents 4 and 5 herein to pay the Dearness Allowance at the present enhanced rate to the writ petitioners and also direct the third respondent to enhance the Dearness Allowance to the petitioners herein whenever it is revised to the serving employees of the fifth respondent corporation herein in the future in the light of the Rule 20A and 21 of the Tamil Nadu State Transport Corporation Employees' Pension Fund Rules and G.O.(Ms).No.303 Finance (Pay Cell) Department, dated 11.10.2017 and G.O.(Ms).No.134 Transport (D) Department, dated 09.04.2018 and pay the consequential arrears of Dearness Allowance with 6% interest.



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1.1 W.P.No.17387 of 2021 is filed with a prayer to quash the order of the third respondent herein in G.O.(Ms)No.142 Transport (E) Department, dated 26.08.2019 in sub para (c) of para 3 which is against Rule 20A and 21 of the Tamil Nadu State Transport Corporation Employees' Pension Fund Rules in so far as the 35 members out of total 192 members of the petitioner Association is concerned and consequential direction to the respondents herein to pay the Dearness Allowance at the present rate to the 35 members out of total 192 members of the petitioner Association as per the list enclosed herewith and also to direct the respondents herein to enhance the Dearness Allowance whenever it is revised to the serving employees of the fifth respondent corporation herein in the light of Rules 20A and 21 of the Tamil Nadu State Transport Corporation Employees' Pension Fund Rules and pay the consequential arrears of Dearness Allowance with 6% interest.

2. In this regard, the learned Single Judge of this Court had already allowed the similar writ petition in W.P.(MD)No.1147 of 2020 etc., by an order dated 02.03.2023 whereby setting aside the portion of the order with reference to paragraphs No.3(b) and 3(c), whereby, modifying the impugned Government



order with reference to the above said conditions of the payment of monetary benefits prospectively and also the dearness allowance at the present rates without any change. As against the same, the Administrator of TNSSTC Employees Pension Fund Trust and the Managing Director of the State Express Transport Corporation etc., filed W.A(MD)No.1240 of 2023 and by a Judgment dated 13.09.2023, the appeal was dismissed and the order of the learned Single Judge was confirmed by this Court. As against the same, an SLP was preferred in Special Leave Petition (c) No.27785 of 2023 and the Hon'ble Supreme Court of India also dismissed the SLP. Thereafter, the very same appellants filed a review application in Rev.Apln (MD)No.36 of 2024 and the same was pending. The Government of Tamil Nadu also had filed W.A.(MD)No.246 of 2024 and the same was being heard together. In the meanwhile, since these two writ petitions with the same prayer, also came up for hearing before the learned Single Judge, by an order dated 07.06.2024, these two writ petitions were directed to be listed along with the review application and the writ appeal. These writ petitions were also heard together along with the above matters.

3. Today, by a separate order, the said review application and the writ appeal were dismissed by this Court, thereby confirming the order of the



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learned Single Judge, dated 02.03.2023 and reiterating the order of the Hon'ble Division Bench of this Court, dated 13.09.2023.

4. In view thereof, these writ petitions are allowed and the same terms as the order in W.P.(MD)No.1147 of 2020. No costs. Consequently, connected miscellaneous petitions are closed.

(S.S.S.R.,J.) (D.B.C.,J)

10.09.2024

NCC : Yes / No

Index: Yes/No

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To

- 1.The Chief Secretary to Government,
State of Tamil Nadu,
Secretariat, Chennai-600 009.
- 2.The Additional Chief Secretary to Government,
State of Tamil Nadu,
Finance Department,
Secretariat, Chennai-600 009.



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3.The Additional Chief Secretary to Government,
State of Tamil Nadu,
Transport Department,
Secretariat, Chennai-600 009.



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S.S.SUNDAR, J.
AND
D.BHARATHA CHAKRAVARTHY, J.

sjl

Pre-Delivery Orders made in
W.P.Nos.18268 and 17387 of 2021

10.09.2024