



W.A.(MD).No.1492 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A.(MD).No.1492 of 2024
and
C.M.P.(MD)No.11597 of 2024**

1.The Tamil Nadu State Transport,
Corporation Madurai Limited,
rep. By its Managing Director,
Bye Pass Road,
Madurai.

2.The General Manager,
The Tamil Nadu State Transport
Corporation Madurai Limited,
Bye Pass Road,
Madurai – 625 010.

3.The Tamil Nadu State Transport Corporation,
Employee's Pension Fund Trust,
Rep. By its Administrator,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai – 2.

... Appellants

-VS-

1.P.Latha

2.The Additional Chief Secretary to Government,
Transport Department and
Chairman of State Transport,
Undertakings,



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... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, against the order passed by this Court in W.P.(MD)No.16684 of 2019, dated 07.08.2023.

For Appellants	: Mr.S.C.Herold Singh Standing Counsel
For 1 st Respondent	: Mr.A.Rahul
For 2 nd Respondent	: Mr.P.T.Thiraviyam Government Advocate

JUDGMENT

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

The issue involved in the Writ Appeal is regarding the qualification for family pension. The question that arose was whether the entitlement would be based on date of becoming the member of Employees Provident Fund in the State Transport Undertaking or the date of regularization.

2.The Division Bench of this Court in **Tamil Nadu State Transport Corporation v. Periyasamy Pitchaimuthu**, dated 25.08.2010, made in W.A.(MD)No.387 of 2010, on an interpretation of the definition of actual service found in Rule 2(q)(iii) has held that it will have to be calculated from the date of becoming a member of the Employees Provident Fund Scheme. There is no dispute regarding the date as to which, the first respondent become a member of the Employees Provident Fund Scheme of



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the State Transport Undertaking.

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3.Hence, we are unable to fault the Writ Court for allowing the Writ Petition directing the payment of family pension. The Writ Appeal fails and it is accordingly, dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.] [L.V.G., J.]
02.09.2024

NCC :Yes/No
Index :Yes/No
Internet: Yes
Mrn

To

The Additional Chief Secretary to Government,
Transport Department and
Chairman of State Transport,
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and
L.VICTORIA GOWRI, J.

Mrn

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