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W.P.No.3573 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.12.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 3573 of 2023

L.Sundararajan

...Petitioner

Vs.

1.Tamil Nadu State Transport Corporation
(Salem) Limited
Rep. by its Managing Director,
Ramakrishna Salai,
Salem - 7.

2. The General Manager
Tamil Nadu State Transport Corporation
(Salem) Limited
Dharmapuri Region,
Dharmapuri - 636 705.

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

...Respondents



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Prayer: Writ Petition is filed under Section 226 of the Constitution of India for issue of Writ of Declaration, declaring that the petitioner deemed to have been made permanent and regularised in the post of Conductor on 07.01.2001, the date on which he completed 480 days of service in 24 calendar months from the date of joining and directing the respondents to pay the petitioner commuted value of pension and monthly pension under the TNSTCE Pension Scheme 1998, by counting his entire service from 1999 to 31.05.2022, as revised from time to time, with arrears and other consequential benefits, together with interest at the rate of 12% per annum.

For Petitioner : Mrs. V.Porkodi

For Respondents : Mr. K.Raja
1 & 2 Standing Counsel

For Respondent 3: Mr. C.S.K.Sathish
Standing Counsel



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effect from 01.09.2005.

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3. It is the contention of the petitioner that from the year 1998, he had worked without any blemish and retired from service on 31.05.2022, on attaining the age of superannuation. The petitioner would submit that by letter dated 16.05.2022, the respondent asked him to come along with his wife for filling up pension form along with documents mentioned in the said letter.

4. Accordingly, the petitioner had appeared before the Assistant Manager, with relevant documents and the pension forms were filled by the officials of the respondent corporation and given to him and the 1st respondent informed that the pension would be sanctioned immediately. However, contrary to the assurance the petitioner was not disbursed with his retirement benefits immediately. Therefore, the petitioner approached the 1st respondent in the first week of July 2022 enquiring about payment of his pension and terminal benefits. The 1st respondent orally informed the petitioner that he is not eligible for pension as he had been made permanent only after 01.04.2003.



5. The petitioner immediately made a representation dated 24.09.2022 to the respondents, pointing out that the action of the respondents in rejecting the petitioner's request for pension on the ground that he was made permanent only after 01.04.2003, is not correct and informed the respondents that his service has to be calculated from the date of his enrollment as a member of the Provident Fund scheme. That apart, the petitioner had also pointed out that under Section 3 of the Permanency Act, the respondents ought to have made him permanent in the year 2001 itself.

6. The petitioner would submit that he had completed 480 days of service in 24 calendar months as on 01.07.2001 itself. However, the respondents had not considered this representation, thereby constraining the petitioner to approach this Court.

7. A counter affidavit has been filed by the 1st respondent reiterating the contention that since the petitioner had been made permanent after 01.04.2003, he is not entitled to the monthly pension.



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The 1st respondent had submitted that as per the scheme administered by the TNSTC EPF Trust, the employees who are on roll of STUs as on 31.08.1998 had to exercise their option either to join new pension scheme administered by the 2nd respondent or to continue to be a member of the then prevailing Employee Contributory Provident Fund Scheme. The petitioner, according to the 1st respondent, does not fall under either category.

8. The 1st respondent would submit that though the petitioner would claim that he had become Conductor in the corporation on 18.09.1999, his services had been regularised only on 01.09.2005. Therefore, his service had to be calculated only from the date he had become regular employee. Therefore, they prayed for dismissal of this writ petition.

9. Heard the learned counsels on either side and perused the records.



10. The issue which is placed for consideration of this Court is whether the petitioner's service has to be calculated from the date of his enrollment i.e., from the date when he became member of PF or from the date from which his service had been regularised.

11. A similar issue came up for consideration before the Division Bench of this Court in ***WA.(MD)No.1492 of 2024*** – dated ***02.09.2024***. The Division Bench relying upon an earlier Judgement of the Division Bench of this Court in ***Tamil Nadu State Transport Corporation Vs. Periyasamy Pitchaimuthu***, in ***WA.(MD).No.387 of 2010***, dated 25.08.2010, held that on an interpretation of the definition of actual service found in Rule 2 (q) (iii) of the TNSTC Employees Pension Fund Rules, held that it should be calculated from the date of becoming member of the Employees Provident Fund Scheme.

12. This judgement was quoted with approval by an another Division Bench of this Court in ***WA(MD).No.2202 of 2024*** dated ***12.11.2024***.



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13. Admittedly, the petitioner has been enrolled into Employees Provident Fund Scheme on 18.09.1999, itself. Therefore, the judgement of the Division Bench of this Court would squarely apply to the facts of the instant case.

14. Accordingly, this writ petition is allowed and the petitioner is declared entitled to pension by counting his service from 18.09.1999. The respondents are directed to settle the entire arrears and other consequential benefits, together with interest at the rate of 12% per annum, within a period of 2 months from the date of receipt of a copy of this order. No costs.

17.12.2025

Index : Yes/No

Internet : Yes/No

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