



W.A.(MD).No.339 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 23.06.2025

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.A.(MD).No.339 of 2020
and
C.M.P.(MD).No.2318 of 2020

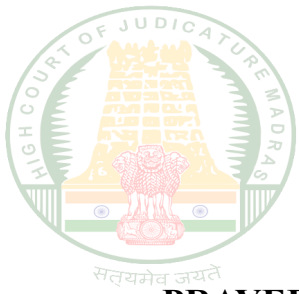
- 1.The Managing Director,
Tamil Nadu State Transport Corporation (MDU) Ltd.,
Bye-Pass Road,
Madurai - 625 010.
- 2.The Financial Adviser,
Tamil Nadu State Transport Corporation (MDU) Ltd.,
Bye-Pass Road,
Madurai - 625 010.
- 3.The Administrator,
TNSTC Employees Pension Trust,
Tiruvalluvar House,
No.2, Pallavan Salai,
Chennai - 600 002.
- 4.The General Manager,
Tamil Nadu State Transport Corporation (MDU) Ltd.,
Bye-Pass Road,
Madurai - 625 010.

... Appellants/Respondents

Vs.

K.Thirugnansambandan

... Respondent/Petitioner



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 01.11.2018 passed in W.P.(MD).No.22337 of 2018.

For Appellants : Mr.J.Senthil Kumariah

For Respondent : No appearance

JUDGMENT

(Judgment of the Court was made by S.M.SUBRAMANIAM, J.)

This Writ Appeal has been instituted against the order passed by the Writ Court in W.P.(MD).No.22337 of 2018 dated 01.11.2018.

2. The respondent/writ petitioner joined as Junior Steno (Apprentice) in the State Transport Corporation and his services had been regularized. After periodical promotion, he retired from the service on attaining age of superannuation. The respondent filed a Writ Petition praying direction upon the appellants to revise the pension benefits and other revised terminal benefits like gratuity arrears, leave salary arrears and pension arrears, etc., with effect from 01.04.2017 and payment of the monetary benefit with effect from 01.10.2017 to till the date of payment at the rate of 12% per annum based on the 7th Pay Commission recommendations for revision of pay as per G.O.Ms.No.134,

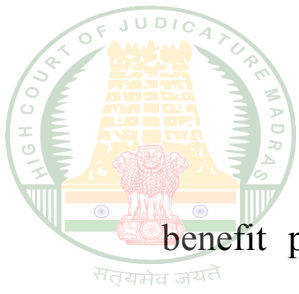


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Transport (D) Department, dated 09.04.2018. The Writ Petition was ordered directing the appellants to extend the benefits of the 7th Pay Commission to the respondent.

3. It is unnecessary for this Court to adjudicate the correctness of the order passed in the Writ Petition in view of the subsequent development. However, we make it clear that this judgment will not in any manner impede the rights of the respondent/writ petitioner to workout his remedies, since the benefit now granted by the Government in G.O.Ms.No.142, Transport (E) Department, dated 26.08.2019 is not fully in favour of the respondent/writ petitioner as monetary benefits have been directed to be given prospectively that would mean that from the date of issuance of the Government Order, i.e., from 26.08.2019.

4. Further, the respondent/writ petitioner is also aggrieved by the directions issued in the Government Order that the dearness allowance at the present rate shall be computed without any change. It is the case of the respondent that there is a condition in the Government Order, directing that the persons those who are retired between 01.09.2016 and 31.12.2017 will be given revision of pension with notional effect from 01.09.2016 and with monetary



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benefit prospectively. However, the prayer was to grant monetary benefit retrospectively. Apart from that, the respondent has also claimed that the dearness allowance cannot be frozen as done in the Government Order.

5. The learned counsel appearing for the appellants submitted that the Government Order gives sufficient benefits to the respondent/writ petitioner and as on date, the said Government Order having been passed, it shall govern the subject matter. For better appreciation, the Government Order is quoted herein below:-

Abstract

Transport – Implementation of Revision to the retired employees of State Transport Undertakings – Official Committee recommendations -Orders – issued.

Transport (E) Department

G.O.Ms.No.142

Dated 26.08.2019

Vikari Aandu

Avani 9,

Thiruvalluvaraandu, 2050

Read:

*1.G.O.(Rt)No.32, Transport (E) Department, dated
12.02.2019.*

*2.G.O.(Rt)No.83, Transport (E) Department, dated
15.04.2019*

*3.From the Administrator, Tamil Nadu State Transport
Corporation Employees Pension Fund Trust*



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*Lr.No.SPL/COMMITTEE/TNSTC/EPFT/2019-16,
dated 15.04.2019.*

4.Govt. Lr.No.16006/E/2017, dated 03.05.2019.

*5.From the Administrator, Tamil Nadu State Transport
Corporation Employees Pension Fund Trust Lr.No.
172/P2/Com/TNSTC/EPFT/2019, dated 07.05.2019.*

*6.G.O.(Ms)No.313, Finance (Pay Cell) Department,
dated 25.10.2017.*

*7.G.O.(Ms)No.333, Finance (BPE) Department,
dated 09.11.2017.*

ORDER:

In the Government Order first read above orders have been issued to form an official committee in order to examine the various issues of the pensioners of State Transport Undertakings with a request to submit its report to Government.

2. The Administrator, Tamil Nadu State Transport Corporation Employees Pension Fund Trust in his letter third read above has forwarded the recommendations of the committee for consideration of the Government. The Committee has recommended to implement the 13th Wage Settlement in respect of those who have retired from 01.09.2016 to 31.12.2017 and also to implement the 7th Pay Commission to the Transport employees who have retired during 01.01.2016 to 31.03.2018.

3. After careful examination, the Government have decided to accept the proposal of the Administrator, Tamil Nadu State Transport Corporation Employees Pension Fund Trust, based on



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the recommendations of the Official Committee and order as follows:-

(a) Implement the revision of pension to the pensioners who are covered under 13th Wage Settlement [for those who have retired between 01.09.2016 and 31.12.2017] with notional effect from 01.09.2016 and with monetary benefit prospectively.

(b) Implement the revision of pension as per 7th Pay Commission to the Pensioners [for those who have retired between 01.01.2016 and 31.03.2018] with notional effect from 01.01.2016 and with monetary benefit prospectively.

(c) Dearness Allowance at present rates shall be continued without any change.

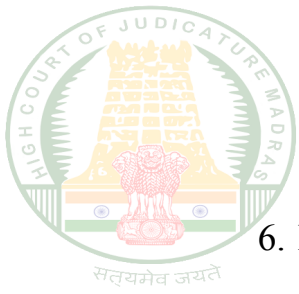
(d) The entire financial commitment likely to arise on such revision shall incurred by the Tamil Nadu State Transport Corporation Employees Pension Fund Trust without seeking any financial assistance, in any form, from the Government.

4. This order issues with the concurrence of Finance (BPE) Department vide its U.O.No.42865/Fin(BPE)/2019, dated 26.08.2019.

(BY ORDER OF THE GOVERNOR)

DR.J.RADHAKRISHNAN

PRINCIPAL SECRETARY TO GOVERNMENT



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6. It is the case of the respondent/writ petitioner that the respondent will fall within the category in paragraph 3(b) of the Government Order, whereby, the Government has directed implementation of the revised pension as per the Seventh Pay Commission to the pensioners, those who have retired between 01.01.2016 and 31.03.2018 with notional effect from 01.01.2016 and with monetary benefits prospectively. The dearness allowance has also been frozen at the present rates.

7. The reasonable approach of the respondent/writ petitioner is to accept the directions issued in the Government Order and accept monetary benefits prospectively with liberty to question that portion of the Government Order, which is not beneficiary and prejudicial to the respondent/writ petitioner. There appears to be no serious objection for such course being adopted by the respondent/writ petitioner.

8. In the light of the above, the Writ Appeal stands disposed of and the directions issued in the Writ Petition are set aside and modified as follows:-

(a) The appellants are directed to give effect to the Government Order in G.O.Ms.No.142, Transport (E) Department, dated 26.08.2019 and extend the benefits granted by the Government in paragraph 3(b) of the Government



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Order, pay monetary benefits prospectively within a period of twelve (12)

weeks from the date of receipt of a copy of this order.

(b) It is made clear that acceptance of payments by the respondent/ writ petitioner shall be without prejudice to his rights to question that portion of the Government Order, which, according to him, are prejudicial to the interest and such other matter as he deems appropriate to adjudicate.

There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (A.D.M.C.,J.)
23.06.2025

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