BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 29.08.2025

PRONOUNCED ON : 28.11.2025

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN
AND
THE HONOURABLE MR. JUSTICE K. RAJASEKAR

W.A.(MD).Nos.82 and 888 of 2023 & W.P.(MD).Nos.20568 and 20856 of 2015 and C.M.P.(MD).Nos.1027 and 7079 of 2023 and W.M.P.(MD).Nos.16072 and 16073 of 2017

W.A.(MD).No.82 of 2023

1. Tamil Nadu Government Transport Corporations
   Retired Staff Federation,
   Rep. by its Joint General,
   Secretary,
   S. Sampath S/o D. Srinivasan,
   No.192, Transport Nagar, PTC Post,
   Madurai - 625022.

2. T. Thirumalaisamy ... Appellants/ Third Parties

Vs.

1. Tamil Nadu State Transport Corporations
   Retired and Pensioners Welfare Association,
   No.260B, Dheeran Nagar,
   Tiruchirappalli - 9 (Registered No.86/2007)
   Rep. by its President,
   T. Sivaprakasam S/o. K. Dharmalingam,
   No.84, Lilly Street, Cholan Nagar,
   Ramji Nagar Post, Trichy-9.

2. K. Maruthamuthu

3. S. Jeyachandran

4. State of Tamil Nadu,
   Rep. by its Chief Secretary,
   Secretariat, Chennai - 600009.

5. State of Tamil Nadu,
   Rep. by its Financial Secretary,
   Department of Finance, Secretariat,
   Chennai - 600009.

6. State of Tamil Nadu,
   Rep. by its Secretary,
   Department of Transports, Secretariat,
   Chennai - 600009.

7. The Administrator,
   Tamil Nadu State Transport Corporation,
   Employees Pension Fund Trust,
   Thiruvalluvar Illam, Pallavan Salai,
   Chennai-2. ... Respondents/ Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.(MD).No.14173 of 2015 dated 15.12.2020.

W.A.(MD).No.888 of 2023

1. The State Transport and Transport Corporations
   Retired Employees Welfare Association,
   Rep. by its Deputy General Secretary,
   R. Devaraj S/o V. Ramasamy,
   No.834, 3rd Floor, Raheja Complex,
   Annasalai, Chennai - 600002.

2. R. Devaraj

3. P. Selvaraj ... Appellants/ Third Parties

Vs.

1. Tamil Nadu State Transport Corporations
   Retired and Pensioners Welfare Association,
   No.260B, Dheeran Nagar,
   Tiruchirappalli - 9 (Registered No.86/2007)
   Rep. by its President,
   T. Sivaprakasam S/o. K. Dharmalingam,
   No.84, Lilly Street, Cholan Nagar,
   Ramji Nagar Post, Trichy-9.

2. K. Maruthamuthu

3. S. Jeyachandran

4. State of Tamil Nadu,
   Rep. by its Chief Secretary,
   Secretariat, Chennai - 600009.

5. State of Tamil Nadu,
   Rep. by its Financial Secretary,
   Department of Finance, Secretariat,
   Chennai - 600009.

6. State of Tamil Nadu,
   Rep. by its Secretary,
   Department of Transports, Secretariat,
   Chennai - 600009.

7. The Administrator,
   Tamil Nadu State Transport Corporation,
   Employees Pension Fund Trust,
   Thiruvalluvar Illam, Pallavan Salai,
   Chennai-2. ... Respondents/ Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.(MD).No.14173 of 2015 dated 15.12.2020.

W.P.(MD).No.20568 of 2015

1. The State Transport and Transport Corporations
   Retired Employees Welfare Association,
   Rep. by its President,
   No.2, Pallavan Salai,
   Chennai - 2.

2. S. Aadiarajan
3. S. Krishnan
4. R. Devaraj
5. K.V. Gurusamy
6. P. Selvaraj
7. S. Arumugam
8. M. Karuppaiah ... Petitioners

Vs.

1. The State of Tamil Nadu,
   Rep. by its Principal Secretary to Government,
   Transport Department and Chairman
   of All State Transport Undertakings,
   Secretariat,
   Fort St. George, Chennai - 9

2. The Administrator,
   Tamil Nadu State Transport Corporations,
   Employees Pension Trust,
   State Express Transport Corporation Complex,
   Anna Salai, Chennai - 2.

3. Tamil Nadu State Transport Corporation (Madurai) Ltd.,
   Rep. by its Managing Director,
   Bye Pass Road, Madurai - 10.

4. Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
   Rep. by its Managing Director, Tirunelveli.

5. Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
   Rep. by its Managing Director, Kumbakonam.

6. Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
   Rep. by its Managing Director, Villupuram.

7. Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
   Rep. by its Managing Director, Kumbakonam.

8. Tamil Nadu State Transport Corporation (Salem) Ltd.,
   Rep. by its Managing Director, Salem.

9. Metropolitan Transport Corporation Ltd.,
   Rep. by its Managing Director,
   Pallavan Salai, Chennai - 2.

10. State Express Transport Corporation,
    Rep. by its Managing Director,
    Pallavan Salai, Chennai - 2.

11. State Transport Corporation (CITU) Retired
    Employees Welfare Union,
    Represented by its General Secretary,
    R. Vasudevan S/o. C. Ramamoorthy,
    VOC, 2nd Street, Arul Nagar, Bye Pass Road,
    Madurai - 625 016.

12. Gunasekaran
13. Gandhi
14. Natrajan
15. Chandirasekaran

(R11 to R15 are impleaded vide Court order dated 11.07.2025 in WMP.(MD).No.13522/25 in WP(MD).No.20568/15 by GRSJ and KRSJ)

16. Tamil Nadu State Transport Corporation
Employees Federation (CITU),
Retired Employees Welfare Union,
Represented by its General Secretary,
Mr. Arumuganainar, S/o. Kandasamy,
No.52, Cooks Road, Otteri, Chennai - 600 012. ... Respondents

(R16 is impleaded vide Court order dated 29.07.2025
in WMP.(MD).No.15782/25 and the same is amended vide
Court order dated 25.08.2025 in WMP(MD) No.17224/25
in WP(MD).No.20568/15 by GRSJ and KRSJ)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue Writ, Order or Direction in the nature of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned Resolution No.50 of the second respondent Pension Fund Trust dated 14.02.2011 and consequential order passed by the first respondent in G.O.Ms.No.53 Transport (E) Department dated 07.04.2015 in so far as it is restricting the revision of pension at 15% with effect from 01.04.2015 and not giving the increase in pension to the pensioners of Tamil Nadu State Transport Undertakings who are covered under settlement under Section 12(3) of the I.D.ACT, 1947, as fixed in Clause 11(3) of the settlement dated 22.01.2011 and consequently to direct the respondents to revise sanction and to pay pension to all the retired employees of the respondents 2 to 10 including the petitioners 2 to 8 who were covered under Section 12(3) of the industrial Disputes Act, 1947 prior to their retirement, as agreed to under clause 11(3) of settlement entered under Section 12(3) of the Industrial Disputes Act, 1947 dated 22.01.2011 with an increase at the rate of 9% from 2005, increase at the rate of 12% from 2007 and with an increase in accordance with pay revision given under settlement dated 22.01.2011 with effect from 01.09.2010, together with arrears and interest payable at the rate of 12% per annum.

W.P.(MD).No.20856 of 2015

1. Tamil Nadu State Transport Corporations
   Retired Staff Federation,
   Rep. by its The General Secretary,
   288, Transport Nagar,
   Postal Training Centre Post,
   Madurai - 22.

2. T. Thirumalaisamy
3. R. Renganathan
4. M. Muthirulappan ... Petitioners

Vs.

1. The State of Tamil Nadu,
   Rep. by its Principal Secretary to Government,
   Transport Department and Chairman
   of All State Transport Undertakings,
   Secretariat,
   Fort St. George, Chennai - 6.

2. The Administrator,
   Tamil Nadu State Transport Corporations,
   Employees Pension Trust,
   State Express Transport Corporation Complex,
   Anna Salai, Chennai - 2.

3. Tamil Nadu State Transport Corporation (Madurai) Ltd.,
   Rep. by its Managing Director,
   Bye Pass Road, Madurai - 10.

4. Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
   Rep. by its Managing Director, Tirunelveli.

5. Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
   Rep. by its Managing Director, Kumbakonam.

6. Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
   Rep. by its Managing Director, Villupuram.

7. Tamil Nadu State Transport Corporation (Coimbatore) Ltd.,
   Rep. by its Managing Director, Kumbakonam.

8. Tamil Nadu State Transport Corporation (Salem) Ltd.,
   Rep. by its Managing Director, Salem.

9. Metropolitan Transport Corporation Ltd.,
   Rep. by its Managing Director,
   Pallavan Salai, Chennai - 2.

10. State Express Transport Corporation (Tamil Nadu) Ltd.,
    Rep. by its Managing Director,
    Pallavan Salai, Chennai - 2. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue Writ, Order or Direction in the nature of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned Resolution No.50 of the second respondent Pension Fund Trust dated 14.02.2011 and consequential order passed by the first respondent in G.O.Ms.No.53 Transport (E) Department dated 07.04.2015 in so far as it is restricting the revision of pension at 15% with effect from 01.04.2015 and not giving the increase in pension to the pensioners of Tamil Nadu State Transport Undertakings who are covered under settlement under Section 12(3) of the I.D.ACT, 1947, as fixed in Clause 11(3) of the settlement dated 22.01.2011, and consequently to direct the respondents to revise sanction and to pay pension to all the retired employees of the respondents 2 to 10 including the petitioners 2 to 4 who were covered under Section 12(3) of the industrial Disputes Act, 1947 prior to their retirement, as agreed to under clause 11(3) of settlement entered under Section 12(3) of the Industrial Disputes Act, 1947 dated 22.01.2011 with an increase at the rate of 9% from 2005, increase at the rate of 12% from 2007 and with an increase in accordance with pay revision given under settlement dated 22.01.2011 with effect from 01.09.2010, and further hike in pension based on the pay revision granted in the subsequent settlement with increase in dearness allowance on par with employees in service together with arrears and interest payable at the rate of 12% per annum.

W.A.(MD).No.82 of 2023

For Appellants : Mr. Ajay Khose
For Mr. A. Rahul

For RR1 and 2 : No Appearance

For R3 : M/s. T. Banumathy

For RR4 to R6 : Mr. N.Satheeshkumar, Additional Government Pleader

For R7 : Mr. J. Ravindran, (AAG)
Assisted by Mr. S.C. Herold Singh

W.A.(MD).No.888 of 2023

For Appellants : Mr. Ajay Khose
For Mr. A. Rahul

For RR1 and 3 : No Appearance

For RR4 to R6 : Mr. N.Satheeshkumar, Additional Government Pleader

For R7 : Mr. J. Ravindran, (AAG)
Assisted by Mr. S.C. Herold Singh

W.P.(MD).No.20568 of 2015

For Petitioners	:	Mr. Ajay Khose For Mr. A. Rahul
For RR 1 and 10	:	Mr. N. Satheeshkumar, (AGP)
For R2	:	Mr. P. Balasubramanian
For R3	:	Mr. A.P. Muthupandian
For R4	:	Mr. K. Sathiya Singh
For R5	:	Mr. K. Jagadees Balan
For RR 6, 7 and 9	:	Mr. D. Sivaraman
For R8	:	Mr. K. Ramaiah
For RR 11 to 16	:	Mr. G. Karthik For M/s. Lajapathi Roy and Associates

W.P.(MD).No.20856 of 2015

For Petitioners	:	Mr. Ajay Khose For Mr. A. Rahul
For R1	:	Mr. N. Satheeshkumar, (AGP)
For R2	:	Mr. J. Ravindran, (AAG) Assisted by Mr. S.C. Herold Singh
For R3	:	Mr. A.P. Muthupandian
For RR 4, 6 &10	:	Mr. K. Sathiya Singh
For R5	:	Mr. K. Jagadees Balan
For RR 7 and 9	:	Mr. D. Sivaraman
For R8	:	Mr. K. Ramaiah

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COMMON JUDGMENT

(Judgment made by K.RAJASEKAR, J.)

These intra Court appeals filed by the Tamil Nadu State Transport Corporation Retired Staff Federation, third party to the writ petition, after obtaining leave of this Court against the order dated 15.12.2020 in W.P.(MD).No. 14173 of 2015.

1.1 The relief sought for by the writ petitioners in the present writ petitions in W.P.(MD).Nos.20568 and 20856 of 2015 is to quash the impugned resolution No.50 of the Pension Fund Trust dated 14.02.2011 and the order passed in G.O.Ms.No.53 dated 07.04.2015 and clause 37(a) of the 12(3) Settlement dated 13.04.2015 and to direct the respondents to grant revised pension.

2. Originally, the first respondent namely Retired and Pensioners Welfare Association of the TNSTC filed a writ petition to quash the G.O.(Ms).No. 63 dated 07.04.2012 to the extent denying the revision of pension @ 9% from 2005, @ 12% from 2007 and 15% from 2011 over and above already given.

3. The learned Single Judge dismissed the writ petition in W.P.(MD).No.14173 of 2015, vide order dated 15.12.2020 on the ground that, the claim made by the writ petitioners based on settlement U/s 12(3) of Industrial Disputes Act and if any dispute arise in this regard, they shall approach the

Labour Court by raising dispute and accordingly, the writ petition was dismissed after observing that the writ petitioners are at liberty to approach the Labour Court for the course of redressal of their grievances.

4. The Retired Employees Welfare Association/ 3rd parties have challenged the order passed in writ petitions and also filed a separate writ petitions stating that, there is no alternative remedy available to the appellants herein, since they are no longer workmen under the Corporation and they are already retired and the association itself comprises only of retired persons, hence they could not initiate any proceedings before the Labour Court, including issue raised herein, i.e., enhanced pension payable by the Corporation to the retired employees.

Submissions made on behalf of the writ petitioners:

5. Third party appellants and writ petitioner (petitioners hereinafter) submitted that, as per the clause 11(3) and 11(6) of the settlement entered u/s 12(3) of the Industrial Dispute Act (u/s 12(3) Settlement hereinafter) dated 22.01.2011 (2011 settlement hereinafter), they are entitled to get revision of pension @ 9% from 2005, @ 12% from 2007 and 15% from 2011 over and above

the amount already given. Originally, the prayer was made seeking revision of pension as per the above 12(3) settlement. There is yet another settlement entered between the trade unions recorded under Section 12(3) of ID Act dated 13.04.2015 (2015 settlement hereinafter), wherein the parties have agreed to revise the pension only @ 15%. Hence separate writ petitions have been filed by some more pensioners, challenging the provision of fixing the revision of pension @ 15%. It is alleged that, from the year 2010 onwards, the revision of pension will be based on DA merged with the basic pay, hence it comes up to around 49% of the revision. However, the Pension Trust has granted only 15% revision over and above already given, which is against the 2011 settlement.

6. The petitioners further allege that, one set of retired employees of Transport Corporations i.e., Managerial Staffs are entitled for 40% of pension revision, but the pension revised only @ 15% that to only to the workmen employees retired prior to 01.09.2010 with monetary benefits from 01.04.2015 and this is violation of Article 14 and 16 of Constitution of India and these reliefs are sought based on the admitted facts, which does not require adducing any evidence, hence the writ petitions are maintainable.

Submissions made on behalf of the Pension Trust and State Government:

7. The respondents/ Government and Pension Trust Board submitted that there is no provisions in the pension rules for enabling the pensioners for seeking revision of pension. The Pension Trust is already facing financial crisis, hence further increase of pension would adversely affect the interest of the pensioners, who are already receiving the pension. As per 2011 settlement, it was proposed to revise the pension and referred the matter to Pension Trust. Accordingly, the Pension Trust discussed the subject and decided to revise the pension @ 15%. In subsequent settlement dated 13.04.2015, i.e., 2015 settlement also, the decision taken by the Pension Trust board to grant 15% revision of pension was accepted by the Associations and Trade Unions, hence the appellants are not entitled to claim more than what was agreed in the 12(3) settlement dated 13.04.2015. They further stated that points based Variable Dearness Allowance in the pension as on 13.09.2007 is already merged with the Basic Pay and pension was paid with effect from 01.10.2007 and it has been continuously increased from 01.10.2007, hence there is no discrimination as alleged by the petitioners herein. They further submitted that comparison made with the managerial retired employees is misconceived since they form different class and they have paid

revised pension based on their contribution and also based on revision made on par with Government employees.

Reply of the Petitioners:

8. In reply to the submissions made on the side of the Pension Trust Board and the Government, petitioners submitted that, at the time of constituting Pension Trust fund, it was clarified by the Government of Tamil Nadu that the pension benefits will be increased as and when there is increase in the State Government employees. Similarly, it was intimated that there will be a provision for the proposed scheme for periodic increase of the pension scheme, hence the Government or Pension Trust cannot contend that there is no provision for revision of pension. They further submitted that whenever the pay of the State Government employees were revised on the basis of the Pay Commission recommendations, the same is made applicable to the various other employees of the statutory bodies including the Tamil Nadu Electricity Board, even in the absence of any provisions in the Pension rules. As per G.O.(Ms).No.65 dated 21.05.2009, the Pension Trust started revising the pension by merging the variable DA with effect from 01.10.2010 and the said revision shall be followed for continuous revision of pay. Similarly, the Pension Trust had passed a

resolution dated 14.02.2011 to give pension revision to the retired staff as per the 12(3) settlement @ 15% to the basic pensions drawn on 01.09.2010, accordingly they had approached from the Government for grant approval for the same. Having accepted and taken steps to get the approval from the Government, the Trust could not revisit it again and modify the rate. The petitioners also rely on the revision of pension made to the managerial staff pensioners, and to contend that the Government is estopped from contending that, there is no provision in the pension rules for revision of pension.

Discussions and Conclusions:

9. We have considered the submissions made on both sides and perused the materials available on record:

10. Pursuant to the settlement entered between the Trade Unions and the Management of Transport Corporations under Section 12(3) of the Industrial Disputes Act, separate Pension Fund namely Tamil Nadu State Transport Corporation Pension Fund was constituted and consequently, Tamil Nadu State Transport Corporation Employees fund rules (Rules hereinafter) were framed and came into operation from 01.09.1998.

11. For better appreciation, crux and some of the relevant features of Rules are given below:

> *"Rule 2(1) defines that the members, who are eligible to avail pension under the rules. The pension rules has not made any difference between the managerial staff and the employees of the State Transport Corporation. The Trust Fund shall be administered by the Board of Trustees prescribed under Rule 3(a) and its functions and powers are also contemplated. The rules further provides eligible pensioner's benefits for determination of the pensioner's service, salaries, family pension, commutation etc. Rule 12 further declares that the determination of eligible service, pensionable salary and other connected issues are subject to interpretation of the rules by the Government. Rule 20(A) deals with providing eligible Dearness Allowance payable at the rate that may be determined by the Government of Tamil Nadu and further constitution of the pension fund and framing of rules. It was implemented from the appointed date of 01.09.1998."*

12. The writ petitioners herein claim that they are workmen category pensioners and they are entitled for revision of pension as per the wage settlement under Section 12(3) of the Industrial Disputes Act dated 22.01.2011 (i.e.,) under 2011 settlement. As per clause 11(3) and 11(6) of the 2011 settlement, the proposed revision of pension is also agreed between the parties and the revision shall be @ 9% from 2005, @ 12% from 2007 and from the year 2010 @ revision of pay and Dearness Allowance fixed to the serving employees, the pay revision

under settlement dated 22.01.2011 came into effect from 01.09.2010 and the proposal shall be placed before the Pension Trust Board and approval shall be obtained form the Pension Trust Board. This clause was considered by the Trust Board and it had made a decision to award 15% of increase in the pension payable to the retired employees and referred the matter to the Government for approval. Accordingly, the Government had considered and passed a Government Order in G.O.(Ms).No.53 dated 07.04.2015 by increasing the pension by 15% with effect from 01.04.2015.

13. It is also admitted fact that in the year 2009 itself, the Dearness Allowance of workmen pensioners. which was paid by following Variable Dearness Allowance, was merged with basic pay, vide G.O.(Ms.) No.65 dated 21.05.2009 and thereby is was further ordered that, further increase of Dearness Allowance will be paid by way of percentage method revision. It is also admitted that this merger of Dearness Allowance was not granted to the managerial retired staff. Further, the managerial staff were awarded revision of pay and pension after the Government has taken policy decision to implement the 6th Pay Commission recommendations, which was constituted for fixing the wage and revision of pension for the Government employees of Tamil Nadu. Accordingly,

a separate pension revision of 40% with effect from 01.01.2006 was paid to the managerial staff and this expenditure was met out by Tamil Nadu State Transport Corporation Employees Pension Fund Trust without any financial assistance from the Government.

14. Subsequent to the proposed revision of pension based on the 2011 settlement, there are further wage settlements entered in the years 2015 and 2018. By subsequent settlement dated 13.04.2015, it was agreed that the workmen who retired prior to 01.09.2010 are entitled to 15% of the enhanced pension from 01.04.2015, thereby, the G.O.(Ms.) No.53 dated 07.04.2015 passed by the Government was accepted by the parties to the settlement. Though the retired workmen have demanded revision of pension based on the 2011 settlement, in the subsequent settlement, they have accepted enhancement of 15% in the revision of pension from 01.04.2015.

15. As contended in the earlier paragraph, what was agreed in the 2011 settlement is only a proposal to revision the pension, i.e., with increase @ 9% from the year 2005, increase @ 12% from the year 2007 and the revision under settlement dated 22.01.2011 with effect from 01.09.2010, was not concluded and

it was subject to the decision taken by the Pension Trust. Subsequently, the decision was taken by the Pension Trust and concluded with issuance of G.O. (Ms.) No.53 dated 07.04.2015 and in the next settlement i.e., the settlement entered in the year 2015, the Trade Unions have accepted the same.

16. In view of the above facts, we are of the view that the petitioners herein could not rely on the settlement entered in the year 2011 for the purpose of revision of pension. However, separate writ petitions were filed before this Court, challenging the 2015 settlement, contending that the subsequent settlement entered in the year 2015 and in clause 37 are violative of Article 14 and 16 of Constitution of India, since it is discriminatory, as against the workmen pensioners.

17. According to the writ petitioners, the pensioners of the managerial staff of the Transport Corporation have been granted 40% of enhancement in their pension as per the 6th Pay Commission recommendations, whereas the writ petitioners, who belongs to workmen category of the very same Transport Corporation are granted only with 15% enhancement in pension with effect from 01.04.2015.

18. Learned counsel for the petitioners submitted that, admittedly both categories are receiving pension only from the very same Pension Fund, hence both managerial staff and workmen groups forms one of the Homogeneous group and there cannot be any classification among them. Whereas the Government has decided to increase the pension to the extent of 40% only to one set of group, who were the retired staff of the Management. The Government ought to have granted the very same percentage of the revision to workmen category also. The writ petitioners herein have relied on the judgments of the Apex Court in ***D.S. Nakara and Others vs. Union of India [(1983) 1 SCC 305], Kallakurichi Taluk Retired Officials Association, Tamil nadu and Others vs. State of Tamil Nadu [(2013) 2 SCC 772]*** and ***All Manipur Pensioners Association vs. State of Manipur and others [(2020) 14 SCC 625].***

19. The learned counsels for the petitioners further submitted that the classification between the two groups made herein was not based on any rational principle, however if any rational principle followed, further it has not been done to achieve the objects. In this case, the object to be achieved is to revise the pension due to the escalation cost of living and to meet the financial needs of pensioners. It is further submitted by the learned counsels that the division made

herein is arbitrary, it runs counter to the whole gamut of the pension scheme, more particularly the revision of pension, hence prays to set aside the G.O.(Ms.) No.53 dated 07.04.2015 and also the clause 37 of the wage settlement dated 13.04.2015.

20. Learned counsel for the Government and Pension Trust submitted that the arguments made by the petitioners that, both managerial retired staff and the retired workmen categories form one class is misconceived and admittedly, the managerial staff are receiving pay on par with the State Government employees and their pay is fixed based on the recommendations of the Pay Commission constituted by the State Government and not covered under any wage settlement. Similarly, there is no provisions under the pension rules to make revision of pension and it is a policy decision of the Government to extend the benefit of pay revision to the workmen category.

21. It is also submitted by the learned counsel for the State Government that when ever there was a wage settlement to the workers reached, consequently, the pension benefits are also regulated, accordingly. Though there was no separate revision of pension for the pensioners, under Section 12(3) settlement, at

the time of exit from their service, the Dearness Allowance would be paid as Variable Dearness Allowance (VDA hereinafter) covered under Section 12(3) settlement. Further in respect of managerial staff, rate of Dearness Allowances is being paid on par with Government employees. Similarly, the managerial staff constitute only 1% of cadre strength and remaining 99% are the workmen category. Since this managerial staff constitute separate category and class, they cannot be equated with the workmen category. The managerial staff were carrying higher responsibilities, while they were in service and accordingly, they were also made higher contribution for pension than the workmen categories.

22. The learned counsel for the State further submitted that taking note of the fact that there was no revision of pension to the workmen category, by issuing G.O.(Ms.) No.65 dated 21.05.2009, the Government has taken the policy decision to merge the V.D.A with the pension received by the employees and accordingly, it was made as basic pension. Further, it was decided to pay the Dearness Allowance based on the percentage method with effect from 01.10.2007, which resulted in revision of pension to the workmen category. He further submitted, since classification made herein is reasonable classification and workmen category cannot be equated with the managerial staff category,

managerial staff are being paid pension and entitled to Dearness Allowance on par with the State Government servants. Whenever the Government revises the same, it is made applicable to the managerial staff category, hence submitted that the contention of the petitioner that there is a discrimination is not proper.

23. The learned counsel of State further submitted that the petitioners at the time of filing the writ petitions, they relied on the 2011 settlement for seeking revision, now the very same petitioners have come with a claim that the subsequent settlement, which accepts the Government proposal to revise the pension in terms of G.O.(Ms.) No.53 and challenging the 2015 settlement only shows that the petitioners are approbate and reprobate and they are not entitled to challenge the clause 37 of the 2015 settlement. It is also brought to the knowledge of this Court that, another settlement in the year 2018 is also rendered and the Trade Unions till now had not challenged the revision of pension ordered by Government.

24. The learned counsel for State further submitted that since managerial staff are constituted to 1% of the Pension Trust and already the Pension Trust is facing high financial difficulties and already requested the

Government to rescue the Trust Fund by making contribution. To buttress his arguments, the learned counsel also relied on the letter dated 05.08.2018 sent by the Pension Trust to the Government regarding the financial position of the Pension Trust as on 31.03.2013. Further, another letter dated 11.09.2018 addressed to the Government was relied on to state that there are subsequent settlement and 7th Pay Commission implementations are pending. It is also stated in the 2013 wage statement, the Government has come forward to compensate the short fall of the Trust Fund and only Rs.33 lakhs is available with the Trust Fund at that point of time. Hence the Pension Trust and Government had considered the financial constraints while revising the pension to the workmen category, therefore prays to dismiss these writ appeals and writ petitions.

25. The Constitution Bench of Apex Court in ***D.S. Nakara vs. Union of India [1983 1 SCC 305]*** cited supra has elaborately reiterated the principle to be followed while revision of pension and observed in paragraph Nos.31, 42 and 65 as follows:

> *"31. From the discussion three things emerge : (i) that pension is neither a bounty nor a matter of grace depending upon the sweet will of the employer and that it creates a vested right subject to 1972 rules which are statutory in character because they are enacted in exercise of powers conferred by the proviso to Art.309 and clause*

(5) of Art.148 of the Constitution ; (ii) that the pension is not an ex-gratia payment but it is a payment for the past service rendered ; and (iii) it is a social welfare measure rendering socio-economic justice to those who in the hey-day of their life ceaselessly toiled for the employer on an assurance that in their old age they would not be left in lurch. It must also be noticed that the quantum of pension is a certain percentage correlated to the average emoluments drawn during last three years of service reduced to ten months under liberalised pension scheme. Its payment is dependent upon an additional condition of impeccable behaviour even subsequent to requirement, that is, since the cessation of the contract of service and that it can be reduced or withdrawn as a disciplinary measure.

....

42. If it appears to be undisputable, as it does to us that the pensioners for the purpose of pension benefits form a class, would its upward revision permit a homogeneous class to be divided by arbitrarily fixing an eligibility criteria unrelated to purpose of revision, and would such classification be founded on some rational principle ? The classification has to be based, as is well settled, on some rational principle and the rational principle must have nexus to the objects sought to be achieved. We have set out the objects underlying the payment of pension. If the State considered it necessary to liberalise the pension scheme, we find no rational principle behind it for granting these benefits only to those who retired subsequent to that date simultaneously denying the same to those who retired prior to that date. If the liberalisation was considered necessary for augmenting social security in old age to government servants then those who retired earlier cannot be worst off than those who retire later. Therefore, this division which classified pensioners into two classes is not based on any rational principle and if the rational principle is the one of dividing pensioners with a view to giving something more to persons otherwise equally placed, it would be discriminatory. To illustrate, take two persons, one retired just a day prior and another a day just succeeding the specified date. Both were in the same pay bracket, the average emolument was the same and both had put in equal number of years of service. How does a fortuitous circumstance of retiring a day earlier or a day later will permit totally unequal treatment in the matter of pension ? One *retiring a day earlier will have to be subject to ceiling of Rs. 8,100 p a. and average emolument to be worked out on 36 months' salary while the other will have a ceiling of Rs. 12,000 p.a. and average emolument will be computed on the basis of last ten months average. The artificial division stares into face and is unrelated to any principle and whatever principle, if there be any, has absolutely no nexus to the objects sought to be achieved by liberalising the pension scheme. In fact this arbitrary division has not only no nexus to the liberalised pension scheme but it is counter productive and runs counter to the whole gamut of pension scheme. The equal treatment guaranteed in Art.14 is wholly violated inasmuch as the pension rules being statutory in character, since the specified date, the rules accord differential and discriminatory treatment to equals in the matter of commutation of pension. A 48 hours difference in matter of retirement would have a traumatic effect. Division is thus both arbitrary and unprincipled. Therefore the classification does not stand the test of Art.14.*

....

65. That is the end of the journey. With the expanding horizons of socio-economic justice, the socialist Republic and welfare State which we endeavour to set up and largely influenced by the fact that the old men who retired when emoluments were comparatively low and are exposed to vagaries of continuously rising prices, the falling value of the rupee consequent upon inflationary inputs, we are satisfied that by introducing an arbitrary eligibility criteria: 'being in service and retiring subsequent to the specified date' for being eligible for the liberalised pension scheme and thereby dividing a homogeneous class, the classification being not based on any discernible rational principle and having been found wholly unrelated to the objects sought to be achieved by grant of liberalised pension and the eligibility criteria devised being thoroughly arbitrary, we are of the view that the eligibility for liberalised pension scheme of being in service on the specified date and retiring subsequent to that date' in impugned memoranda....”

26. With regard to maintainability of the writ petitions filed by the retired employees for revision of pension, the Apex Court in ***D.S. Nakara case*** cited supra has held in paragraph No.64 hereunder, hence it is argued that the same is applicable to the writ petitioners herein.

> *"64. Locus standi of 3rd petitioner was questioned. Petitioner 3 is a Society registered under the Societies Registration Act of 1860. It is a non-political non-profit and voluntary organisation. Its members consist of public-spirited citizens who have taken up the cause of ventilating legitimate public problems. This Society received a large number of representations from old pensioners, individually a large number of representations from old pensioners, individually unable to undertake the journey through labyrinths of legal judicial process, costly and protracted, and, therefore, approached petitioner 3 which espoused their cause. Objects for which the 3rd petitioner-Society was formed were not questioned. The majority decision of this Court in S.P. Gupta vs. Union of India rules that any member of the public having sufficient interest can maintain an action for judicial redress for public injury arising from breach of public duty or from violation of some provision of the Constitution or the law and seek enforcement of such public duty and observance of such constitutional or legal provision. Third petitioner seeks to enforce rights that may be available to a large number of old infirm retirees. Therefore, its locus standi is unquestionable. But it is a point of academic importance because locus standi of petitioners 1 and 2 was never questioned."*

27. The Apex Court in ***The All Manipur Pensioners Association vs The State Of Manipur [(2020) 14 SCC 625]*** cited supra has once again reiterated the principle laid down in ***D.S. Nakara case*** and held in paragraph Nos. 7.4 to 8.2 as follows:

"7.4 While the aforesaid decision of this Court in the case of D.S. Nakara (supra) was relied upon by the appellant herein and as such which came to be considered and followed by the learned Single Judge, the Division Bench considering some of the observations made in the cases of Hari Ram Gupta (supra); R.Veerasamy (supra); Amar Nath Goyal (supra) and P.N. Menon (supra), has observed and held that the decision of this Court in the case of D.S. Nakara (supra) is one of the limited application and there is no scope for enlarging the ambit of that decision to cover all schemes made by the retirees or a demand for an identical amount of pension irrespective of the date of retirement.However, by not following the decision of this Court in the case of D.S. Nakara (supra), considering some of the observations made by this Court in the aforesaid decisions, namely P.N. Menon (supra) and other decisions, the Division Bench of the High Court has not at all considered the distinguishable facts in the aforesaid decisions.

7.5 In the case of P.N.Menon (supra), the controversy was altogether different one. The factual position that needs to be highlighted insofar as P.N.Menon (supra) is concerned, is that the retired employees had never been in receipt of "dearness pay" when they retired from service and therefore the O.M. in question could not have been applied to them. This is how this Court examined the matter. This Court also noticed that prior to the O.M. in question, the pension scheme was contributory and only with effect from 22.9.1977, the pension scheme was made non-contributory. Since the respondent employees in the first cited case were not in service at the time of introducing the same they were held not eligible for the said benefit. Therefore the said decision shall not be applicable to the facts of the case on hand, more particularly while considering and/or applying the decision of this Court in the case of D.S. Nakara (supra).

7.6 In the case of Amrit Lal Gandhi (supra), pension was introduced for the first time for the University teachers based on the resolution passed by the Senate and Syndicate of Jodhpur University. The same was approved by the State Government with *effect from 1.1.1990. Therefore, the controversy was not between one set of pensioners alleging discriminatory treatment as against another set of pensioners. There were no pensioners to begin with. The retirees were entitled to provident fund under the existing provident fund scheme. The question of discrimination between one set of pensioners from another set of pensioners did not arise in the said decision. With the aforesaid facts, this Court observed that financial viability is a relevant issue.*

7.7 Similarly, the decision of this Court in the case of Indian Ex-Services League (supra) also shall not be applicable to the facts of the case on hand. The facts in this case and the facts in the case of D.S. Nakara (supra) are clearly distinguishable. In the case of Indian Ex-Services League (supra), the dispute was with respect to PF retirees and Pension retirees and to that it was held that PF retirees and Pension retirees constitute different classes and therefore this Court distinguished the decision of this Court in the case of D.S. Nakara (supra). Therefore, the aforesaid decision shall not be applicable to the facts of the case on hand at all.

7.8 Similarly, the decisions of this Court in the cases of Hari Ram Gupta (supra) and Kallakkurichi Taluk Retired Officials Association, Tamil Nadu (supra) also shall not be applicable to the facts of the case on hand.

7.9 In view of the above, we are satisfied that none of the judgments, relied upon by the learned Senior Advocate for the respondent – State, has any bearing to the controversy in hand. The Division Bench of the High Court has clearly erred in not appreciating and/or considering the distinguishable facts in the cases of Hari Ram Gupta (supra); R.Veerasamy (supra); Amar Nath Goyal (supra); P.N.Menon (supra) and Amrit Lal Gandhi (supra).

8. Even otherwise on merits also, we are of the firm opinion that there is no valid justification to create two classes, viz., *one who retired pre-1996 and another who retired post-1996, for the purpose of grant of revised pension, In our view, such a classification has no nexus with the object and purpose of grant of benefit of revised pension. All the pensioners form a one class who are entitled to pension as per the pension rules. Article 14 of the Constitution of India ensures to all equality before law and equal protection of laws. At this juncture it is also necessary to examine the concept of valid classification. A valid classification is truly a valid discrimination. It is true that Article 16 of the Constitution of India permits a valid classification. However, a very classification must be based on a just objective. The result to be achieved by the just objective presupposes the choice of some for differential consideration/treatment over others. A classification to be valid must necessarily satisfy two tests. Firstly, the distinguishing rationale has to be based on a just objective and secondly, the choice of differentiating one set of persons from another, must have a reasonable nexus to the objective sought to be achieved. The test for a valid classification may be summarised as a distinction based on a classification founded on an intelligible differentia, which has a rational relationship with the object sought to be achieved. Therefore, whenever a cut-off date (as in the present controversy) is fixed to categorise one set of pensioners for favourable consideration over others, the twin test for valid classification or valid discrimination therefore must necessarily be satisfied.*

8.1 In the present case, the classification in question has no reasonable nexus to the objective sought to be achieved while revising the pension. As observed hereinabove, the object and purpose for revising the pension is due to the increase in the cost of living. All the pensioners form a single class and therefore such a classification for the purpose of grant of revised pension is unreasonable, arbitrary, discriminatory and violative of Article 14 of the Constitution of India. The State cannot arbitrarily pick and choose from amongst similarly situated persons, a cut-off date for extension of benefits especially pensionary benefits. There has to be a classification founded on some rational principle when similarly situated class is differentiated for grant of any benefit.

8.2 As observed hereinabove, and even it is not in dispute that as such a decision has been taken by the State Government to revise the pension keeping in mind the increase in the cost of living. Increase in the cost of living would affect all the pensioners irrespective of whether they have retired pre-1996 or post-1996. As observed hereinabove, all the pensioners belong to one class. Therefore, by such a classification/cut-off date the equals are treated as unequals and therefore such a classification which has no nexus with the object and purpose of revision of pension is unreasonable, discriminatory and arbitrary and therefore the said classification was rightly set aside by the learned Single Judge of the High Court. At this stage, it is required to be observed that whenever a new benefit is granted and/or new scheme is introduced, it might be possible for the State to provide a cut-off date taking into consideration its financial resources. But the same shall not be applicable with respect to one and single class of persons, the benefit to be given to the one class of persons, who are already otherwise getting the benefits and the question is with respect to revision."

28. The Apex Court in ***Kallakkurichi Taluk Retired Official Association, Tamilnadu and Ors. vs. State of Tamilnadu and Ors. [(2013) 2 SCC 772]*** cited supra has held in paragraph Nos.33, 34 and 35 as follows:

"33. At this juncture it is also necessary to examine the concept of valid classification. A valid classification is truly a valid discrimination. Article 16 of the Constitution of India permits a valid classification (see, State of Kerala v. N.M. Thomas MANU/SC/0479/1975 : (1976) 2 SCC 310. A valid classification is based on a justobjective. The result to be achieved by the just objective presupposes, the choice of some for differential consideration/treatment, over others. A classification to be valid must necessarily satisfy two tests. Firstly, the distinguishing

rationale has to be based on a just objective. and secondly, the choice of differentiating one set of persons from another, must have a reasonable nexus to the objective sought to be achieved. Legalistically, the test for a valid classification may be summarized as, adistinction based on a classification founded on an intelligible differentia, which has a rational relationship with the object sought to be achieved. Whenever a cut off date(as in the present controversy) is fixed to categorise one set of pensioners for favourable consideration over others, the twin test for valid classification (or valid discrimination) must necessarily be satisfied.

34. In the context of the instant appeals, it is necessary to understand the overall objective of treating "dearness allowance" (or a part of it) as "dearness pay". There can be no doubt, that 'dearness allowance' is extended to employees to balance the effects of ongoing inflation, so as to ensure that inflation does not interfere with the enjoyment of life, to which an employee is accustomed. Likewise, the objective of 'dearness pay' is to balance the effects of ongoing inflation, so that a pensioner can adequately sustain the means of livelihood to which he is accustomed. Having understood the reason why the Government extends the benefit of 'dearness allowance' and 'dearness pay', to its employees and pensioners respectively, we would venture to search for answers to the twin tests which must be satisfied, for making a valid classification (or a valid discrimination),in the present fact situation.

35. In the present context, it needs to be kept in mind, that 'dearness allowance' ispaid to Government employees keeping in mind the All India Consumer Price Index. Inflation in the market place is sought to be balanced by paying 'dearness allowance' to Government employees. When a State Government chooses to treat 'dearness allowance' as 'dearness pay', the objective remains the same i.e., inflation in the market place is sought to be balanced for retired employees by giving them the benefit of 'dearness pay'. Since the component of inflation similarly affects all employees, and all pensioners (irrespective of the date of their entry into service or *retirement), it is not per se possible to accept different levels of 'dearness pay' to remedy the malady of inflation. Just like the date of entry into service (for serving employees) would be wholly irrelevant to determine the 'dearness allowance' to be extended to serving employees, because the same has no relevance to the object sought to be achieved. Likewise, the date of retirement (for pensioners) would be wholly irrelevant to determine the 'dearness pay' to be extended to retired employees. Truthfully, it may be difficult to imagine a valid basis of classification for remedying the malaise of inflation. In the absence of any objective, projected in this case, the question of examining the reasonableness to the object sought to be achieved, simply does not arise. Our straying into this expressed realm of imagination, was occasioned by the fact, that the pleadings filed on behalf of the State Government, do not reveal any reason for the classification, which is subject matter of challenge in the instant appeal."*

29. In the case in hand, on careful perusal of the settlement taken place in the year 2011, the clause 11 is not binding settlement and it is only a proposal to revise the pension to the pensioners belonging to the workmen category, however this proposal was subject to deliberation and approval of the Pension Trust Board. Accordingly, the Trust Board discussed and decided to revise the pension only to the extent of 15%, that too from the date of 01.04.2015. Though in the Apex Court judgments cited supra, it has been held that the pension is neither bounty nor a matter of grace depending on the sweet will of the employer, the pension is *ex gratia* of payment. At the same time, as far as revision of pension is concerned, the same could not be claimed as a matter of right by the

petitioners and it is the discretion of the State Government to revise the pension unless the rules framed mandates for regular revision. In this case, admittedly there is no provisions in the pension rules for seeking revision of pension.

30. Admittedly, the revision of pension as far as the workmen category is concerned, it is being made on the basis of 12(3) settlements entered between the parties, in which the managerial staff are not entitled to enter into any settlement, or avail any benefits. The managerial staff pensioners have to wait for the decision of the State Government to constitute the pay commission for the purpose of complying the process of revision of pension.

31. The clarification Letter No.172/P2/TNSTCEPFT/2005 dated 08.11.2005 written by the Trust Board to the Pensioner's Association would further clarify this aspect and it states that the wage settlement to the workers of the State Transport reached during the month of August 2005 with retrospective effect from 01.09.2003 and the pension also regulated accordingly. Further reference was made to the letter dated 15.12.2005 by the Government, wherein it is stated that the instructions have been issued as per the Rule 20(a) of the Pension Fund Rules, which reads as follows:

1. *In respect of pensioners of State Transport Undertakings whose pay scales are covered under 12(3) settlement at the time of exit from service, Dearness Allowance may be paid at the variable Dearness Allowance payable to the employee covered under 12(3) settlement from time to time.*

2. *In respect of pensioners who were drawing State Government Pay Scales and Dearness Allowance at the time of exit from service, the Dearness Allowance may be paid at the rates applicable to State Government Pensioners.*

In pursuance of the above orders D.A. To the pensioners are being regulated as detailed below:

1. *In respect of Officers Government Rate of D.A. is being paid.*

2. *In respect of the workers governed under the 12(3) settlement V.D.A have been paid.*

3. *To the Technical Supervisory Staff to whom a separate wage revision was ordered under reference 2nd cited w.e.f. 01.01.1999 with monitory effect from 01.04.1999. To them revised basic Pay was arrived with merger of the amount equivalent to 120 V.D.A points on their existing Pay. Full D.A was paid in respect of them through 120 V.D.A points were merged without reducing the merged points till 7/2004. However, Government in G.O.(D) No.91, Transport, dt.14.07.2004 ordered to regulate the V.D.A in respect of them to avoid double payment for 120 points, since the same was merged with pay and informed to regulate the Dearness Allowance payable to the employees covered under 12(3) settlement from time to time as per the Government directions vide reference 1st cited.*

4. *Subsequently, the VDA to the Administrative Supervisory staff was also regulated from 27.12.2004 on the same lines of the Technical Supervisory Staff.*

32. Further, the above letter continues and narrates the procedures to be followed for regulating the pensions to the workmen category and the classification was sought for the following issues:

> *"Now, the Wage settlement was reached to the employees retrospectively from 01.09.2003, by merging the amount equivalent to 515 V.D.A points with Basic Pay. As this being the first settlement reached after introduction of the New Pension Scheme to the employees and hence we request the Government to clarify in respect of the following issues:*
>
> 1. *On implementation of the wage settlement retrospectively from 01.09.2003 to the staff the pay was revised in respect of the employees who exit between 01.09.2003 and 31.08.2005. As a result, the pension proposal has to be revised retrospectively based on the re-fixed basic pay.*
>
> 2. *Consequent to the revision of the basic pension, the commutation has to be revised in respect of pensioners i.e., employees exit between 01.09.2003 and 31.08.2005.*
>
> 3. *To continue to pay the existing rate of V.D.A to the pensioners whose date of exit falls before 01.09.2003 and for the employees/ pensioners whose date of exit falls, on or after 01.09.2003, the V.D.A points to be adopted after the merger on 01.09.2003.*
>
> 4. *The minimum pension payable to the family pensioners, will remain on the existing level of Rs.1,275/-."*

33. The above letter of the Pension Trust was clarified by way of Letter No.18496/D/2005-6 dated 16.05.2006, which reads as follows:

> *"I am directed to invite attention to the reference cited and to state that the pay revision to the employees of STUs is the outcome of Wage settlement 2005 arrived on Triparty agreement (i.e) Employees Union, Management and Government. Moreover, the arrears of pay has been allowed to serving employees with effect from 01.09.2003. It is, therefore, obligatory to settle the arrears of pension for the retired employees also with effect from 01.09.2003. The mode of payment on the Pay commission arrears adopted in cases of Government employees could not be adopted for State Transport Undertakings pensioners.*
>
> *2. In view of the above, I am to request you to adhere the following:*
>
> *(i). The arrears of pension accruing consequent on the Revision of Pay due to Wage settlement 2005, may be allowed to the pensioners of STUs with effect from 01.09.2003.*
>
> *(ii). The State Transport Undertakings may be instructed that they should not seek for any financial assistance from Government for settlement of arrears of pension in this regard."*

34. After issuing this letter, the Government has decided to merge the V.D.A paid to the workmen category with the basic pay in the year 2009 and accordingly, it was decided to pay the basic pension based on the merged V.D.A from 01.10.2007. These facts reveal that from the year 2000 onwards i.e., after constitution of the Pension Fund Trust on 01.09.1998, the Government has

followed the system of regulating the pensions of the workmen categories, whenever there is a wage settlement. Accordingly, the pension payable was increased by adding the V.D.A. Similarly, there is no revision of pension as far as the pensioners belonging to the managerial staff cadre, based on settlement u/s 12(3) of ID Act and their pension was subject to enhancement to the extent on par with the enhancement of Dearness Allowance to the Government servants. This shows that the Government after constituting the Pension Fund Trust has treated the managerial staff pensioners as a separate class. Similarly, the workmen category were treated differently while paying the pension benefits and both form a separate class from the date of constituting pension fund. Further, it is also stated that, managerial staff pensioners constitute only 1% of the cadre strength of the pensioners and remaining 99% of the pensioners belongs to workmen category.

35. Though it is stated that the managerial staff have received revision of pension to the extent of 40%, this revision was made in pursuant to the policy decision taken by the Government to the extent of revision of pension on par with the Government servants that too once in 10 years. Whereas, the workmen category pensioners are receiving V.D.A based on the wage settlement reached once in three years. The object for giving 40% of the revision to the managerial

cadre pensioners could not be equated with the object of revision made to the workmen category. Further at no point of time, the petitioners/ workmen category has questioned the system of paying different types of Dearness Allowances paid to them, i.e., following V.D.A based on cost of living Index, for the purpose of regulating the pension.

36. Further, it is not the case of the petitioners, they were not given any revision of Dearness Allowance, admittedly the revision of pension is also made by merging the Dearness Allowance with the basic pay. Having enjoyed all those pension benefits and when the Government decided to revise the pension for the retired managerial staff, nearly after eight years from the constitution of the pension fund, levelling allegation that there is discrimination of pension to workmen category is not valid.

37. It is also submitted by the Government that since the managerial staff are constituted only 1% and already there is financial difficulties raised by the Pension Trust and they are seeking financial support to meet out the short fall to pay various types of funds to the pensioners, is also not disputed. If the Pension Trust is burdened with further revision of pension to the 99% of the workmen category, it would cause huge financial implication, hence we are of the view that

the classification and revision made for the managerial staff is neither arbitrary nor irrational and the relief prayed by the petitioners herein could not be considered and same is not having any merits and the same is liable to be rejected.

38. Accordingly, the writ appeals and writ petitions are dismissed. Consequently, connected civil and writ miscellaneous petitions stand closed.

(G.R.S.,J.) (K.R.S.,J.)
28.11.2025

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

To

1. The Chief Secretary, State of Tamil Nadu,
   Secretariat, Chennai - 600009.

2. The Financial Secretary, State of Tamil Nadu,
   Department of Finance, Secretariat, Chennai - 600009.

3. The Secretary, State of Tamil Nadu,
   Department of Transports, Secretariat,
   Chennai – 600009.

4. The Principal Secretary to Government,
   The State of Tamil Nadu,
   Transport Department and Chairman
   of All State Transport Undertakings,
   Secretariat, Fort St. George, Chennai – 9.

G.R. SWAMINATHAN, J.
and
K. RAJASEKAR, J.

stn

Judgment made in
W.A.(MD).Nos.82 and 888 of 2023
and
W.P.(MD).Nos.20568 and 20856 of 2015

28.11.2025