IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders reserved on : 20.04.2026

Orders pronounced on : **28.04.2026**

CORAM :

THE HON'BLE MR.JUSTICE T.VINOD KUMAR

W.P.Nos.1068 and 1871 of 2019

T.Deepavathy .. Petitioner
(in W.P.No.1068 of 2019)

M.Kumari .. Petitioner
(in W.P.No.1871 of 2019)

Versus

1. Metropolitan Transport Corporation
   Ltd., rep. by its Managing Director,
   Pallavan Salai, Chennai – 2.

2. Tamilnadu State Transport Corporations
   Employees' Pension Trust,
   Rep. by its Administrator,
   Thiruvalluvar Illam, Pallavan Salai,
   Chennai – 2. .. Respondents

Prayer in W.P.No.1068 of 2019 : Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Declaration, declaring that the action of the respondents in not paying the petitioner monthly pension under the TNSTCE Pension Rules/Scheme 1998; as illegal and unconstitutional and consequently direct the respondents to pay her family pension under the TNSTCE Pension Scheme 1998, from 01.02.2017, with arrears as raised from time to time, together with interest at the rate of 12% per annum, award costs.

Prayer in W.P.No.1871 of 2019 : Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Declaration declaring that the action of the respondents in not paying the petitioner monthly pension and commuted value pension under the TNSTCE Pension Rules/Scheme 1998; not paying her gratuity for her entire service from 03.12.1997 to 31.08.2016; not paying her monthly pension under the Post Retirement Benefit Scheme and not paying her the Provident Fund amount as illegal and unconstitutional and consequently direct the respondents to pay the petitioner the difference in gratuity and monthly pension under the TNSTCE Pension Scheme 1998, by counting her entire service from 03.12.1997 to 31.08.2016; to pay her the commuted value of pension under the TNSTCE Pension Scheme 1998; to pay her the provident fund amount and to pay her the monthly pension under the Post Retirement Benefit Scheme from 01.09.2016, with arrears and other consequential benefits together with interest at the rate of 12% per annum, award costs.

For Petitioner (in both W.Ps)	: M/s.G.Vijay Priyan, for Mr.R.Krishnaswamy
For Respondents (in both W.Ps)	: Mr.R.Balaji, Standing Counsel for R1
	: Mr.C.S.K.Sathish, Standing Counsel for R2

COMMON ORDER

Since, the issue involved in both the Writ Petitions is one and the same, the same are disposed of by this common order.

2. Heard the learned Counsel for the petitioners and the learned Standing Counsels appearing for the respondent Nos.1 and 2 and perused the records. For convenience, the facts as set out in W.P.No.1068 of 2019 are being referred to.

3. The case of the petitioner in brief is that her husband, late Thirumalivasu, was employed as a Conductor in the first respondent Corporation from 21.02.1999; that on being appointed as Conductor, he was enrolled as a member to the Provident Fund; that he was brought under daily wage service from 21.02.2000; that his services were confirmed pursuant to a settlement under Section 12(3) of the Industrial Disputes Act, 1947 with effect from 01.09.2005; and that he was brought under timescale of pay from the date of confirmation of service.

4. It is the further case of the petitioner that her husband had deceased on 30.01.2017 in harness; and that though the respondents settled

all the terminal benefits, it did not pay the pension.

5. Petitioner also contended that on her husband being appointed in the first respondent Corporation on 21.02.1999, the respondent Corporation made deductions towards Provident Fund Contributions and the employer contribution of Provident Fund was also remitted to the second respondent trust till March, 2008.

6. It is the further case of the petitioner that though the respondents settled all the terminal benefits due to her husband for his service of 17 years 11 months, the respondents, on enquiry with regard to payment of pension, claimed that since the services of the petitioner's husband were confirmed after 01.04.2003 i.e., from 01.09.2005, her husband is not entitled for pension under Tamil Nadu State Transport Corporation Employees' Pension Scheme (for short, 'Pension Scheme, 1998'); and that he would be covered only by Contributory Pension Scheme which came into effect from 01.04.2003; and thus, they would only pay the entire Provident Fund Contribution available to her husband's account and accordingly, paid a sum of Rs.5,34,835/- towards the employer contribution and the employee contribution; and that she is not

entitled for being granted family pension w.e.f. 01.02.2017 on account of the death of her husband on 30.01.2017, which action it is contended as highly illegal, arbitrary and contrary to the Pension Scheme, 1998. In support of the aforesaid contention, reliance is placed on the decision of the Madurai Bench of this Court in W.P.(MD).No.16684 of 2019, dated 07.08.2023.

7. Separate counter-affidavits have been filed on behalf of the respondent Nos.1 and 2.

8. The first respondent, by the counter-affidavit, contended that the petitioner's husband was recruited as Conductor on consolidated pay on 21.02.1999; and that his services were confirmed only on 01.09.2005 when he was brought under the timescale; that by G.O.Ms.No.157, dated 27.09.2007, the Government of Tamil Nadu had excluded Tamil State Transport Undertaking from purview of Employees' Provident Fund and Miscellaneous Provisions Act, 1952 with effect from 01.09.1998; that the workman and the Transport Corporation had entered into settlement under 12(3) of the Industrial Disputes Act, 1947 signed on 13.09.1999; that in pursuance of the settlement, a new pension scheme was framed for the

employees of the Transport Corporation.

9. The first respondent further contended that the Government, vide G.O.Ms.No.135, dated 15.12.2000, had brought regular employees and pensioner of State Transport Undertaking under Transport Corporation Employees' Fund Trust (for short, 'Trust'); that as per Rule 2(i) of the Transport Corporation Employees' Pension Fund Rules (for short, 'Rules'), a member is defined as a regular employee; that Rule 2(r) defines "Existing Member" as an employee who is a member of employees Family Pension Scheme, 1971; that the claim of the petitioner that in view of the contributions paid by her husband towards Provident Fund from the date of joining, cannot be considered as he becoming a member of the Trust making her husband eligible to receive pension on attaining the age of superannuation or for the petitioner to claim family pension on account of his death in harness.

10. The first respondent also contended that as per the scheme administered by it, the employees, who are on the rolls of State Transport Undertakings as on 31.08.1998 were required to exercise their option either to join in the new Pension Scheme administered by the first

respondent or to continue to be a member in the then prevailing Employee Contributory Provident Fund Scheme; that the petitioner did not come under either category as he was working only on consolidated basis and as such, could not have exercised any option either to join the present pension scheme, under which, the petitioner is claiming as being eligible for being granted family pension; that the Government, vide letter, dated 08.09.2003, had held that even if the Provident Fund is deducted from daily wages employees, their services will not be entered into for calculation of pensionable service.

11. The first respondent, by the counter-affidavit, also contended that the petitioner's husband does not qualify as member under the regulations of the Trust since, the first respondent had regularised his services only on 01.09.2005 and as such, would be covered by the Contributory Pension Scheme which came into force with effect from 01.04.2003. Contending as above, the first respondent seek for dismissal of the Writ Petitions.

12. The second respondent, by its counter-affidavit filed, contended that the petitioner's husband does not qualify as member under

the Trust since, the first respondent had regularised his services only on 01.09.2005 and as such, the petitioner's husband will only be entitled to be covered under the Contributory Pension Scheme.

13. The second respondent, by the counter-affidavit, further contended that the said respondent did not receive any contribution from the petitioner's husband while in service towards the Scheme currently administered by it; that after the demise of the petitioner's husband, the benefits were disbursed to the petitioner by the first respondent and the same were received by her and that the claim of the petitioner is unreasonable both in law as well as in equity.

14. The second respondent, by the counter-affidavit, further contended that the issue involved in the present Writ Petitions is pending before this Court in W.P.No.335 of 2020, wherein, this Court, taking note of the conflicting views, had referred the matter to a Division Bench for authoritative pronouncement and thus, the issue is pending consideration.

15. I have taken note of the respective contentions urged.

16. Though the respondents, by the counter-affidavit, had claimed of the issue pending consideration before the Division Bench of this Court in W.P.No.335 of 2020 and similar other Writ Petitions in W.P.No.4857 of 2020 and W.A.No.1838, 2344 and 26959 of 2024, it is to be noted that in all the aforesaid cases, the claim is with regard to claim of payment of pension by the employee himself under the Scheme, 1998 and does not deal with the claim of payment of family pension as in the present case.

17. On the other hand, a perusal of the order in W.P.(MD).No.16684 of 2019 shows that the same is in relation to payment of family pension and terminal benefits due to the petitioner therein on account of the death of her husband while in service.

18. It is not informed to this Court by the learned Standing Counsels for the respondents as to any Writ Appeal having been preferred against the order, dated 07.08.2023 in W.P.(MD).No.16684 of 2019 and the operation of the said order as having been either stayed or suspended.

19. Since, the issue involved in the present Writ Petition is

similar to the issue considered by a Co-ordinate Bench of this Court (Madurai Bench) in W.P.(MD).No.16684 of 2019 and the Co-ordinate Bench, in the aforesaid decision, having referred to orders passed in earlier Writ Petitions viz., W.P.(MD).No.3675 of 2009, W.A.(MD).No.387 of 2010, W.P.No.21085 of 2010 and W.P.(MD).No.4887 of 2020, this Court is of the view that the judicial discipline requires this Court to follow the aforesaid decisions which are on the same subject issue as involved in the present Writ Petitions, more particularly, when it has not been shown to this Court of a different view having been taken by any other Co-ordinate Bench or the matter being referred either to a Division Bench or a Full Bench for a comprehensive adjudication.

20. In view of the above and for the reasons alike as stated in the order, dated 07.08.2023 in W.P.(MD).No.16684 of 2019, this Court is of the view that the petitioners in the present Writ Petitions are entitled for being granted the same relief as granted therein.

21. Accordingly, these Writ Petitions are allowed with the following directions:-

(i) The respondents are directed to pay the family pension and terminal benefits to the petitioner in W.P.No.1068 of 2019 from 21.02.1999 by calculating the services of the husband of the petitioner till 30.01.2017; and

(ii) to grant pension to the petitioner in W.P.No.1871 of 2019 from 03.12.1997 till 31.08.2016 respectively;

(iii) Adjust amounts if any paid to the petitioners as terminal benefits towards the family pension/pensionary benefits to be granted; and

(iv) The entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order; and

(v) There shall be no order as to costs.

28.04.2026

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

1. The Managing Director,
   Metropolitan Transport Corporation Limited,
   Pallavan Salai, Chennai – 2.

2. The Administrator,
   Tamilnadu State Transport Corporations
   Employees' Pension Trust,
   Thiruvalluvar Illam, Pallavan Salai,
   Chennai – 2.

T.VINOD KUMAR, J.

grs

W.P.Nos.1068 and 1871 of 2019

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