



Rev Appln Writ (MD). No.14 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 11.03.2026

PRESENT

THE HONOURABLE MRS JUSTICE S.SRIMATHY

Review Application Writ (MD). No.14 of 2024

S.Krishnamurthy

...Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Bypass Road, Madurai – 16.
2. The Administrator,
Tamil Nadu State Transport Corporation Employees Pension
Fund Trust,
Thiruvalluvar Illam,
Palavan Salai,
Chennai-2.
3. The Chief Educational Officer,
Collectorate Building,
Sivagangai District.
4. The Director of Higher Secondary Education,
DPI Campus College Road,
Chennai – 6.

...Respondents

**[R3 & R4 are suomotu impleaded vide court order
dated 03.07.2024 in Rev.APLW(MD).No.14 of 2024 in
WP(MD) No.27352 of 2019]**



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PRAYER : This application has been filed under Section Order 47 Rule 1 & 2 of CPC r/w Section 114 of CPC., to allow the review petition and to set aside the order made in WP(MD).No.27352 of 2019 dated 07.07.2023 on the file of this Court.

For Petitioner : Mr.S.Govindan

For R1 & R2 : Mr.S.C.Herold Singh

For R3 & R4 : Mr. T.Amjadkhan
Government Advocate(Crl.Side)

ORDER

This Review application is filed to review the earlier order dated 07.07.2023 passed in WP(MD).No.27352 of 2019.

2. This Court had earlier held in W.P.(MD) No.27352 of 2019 that the petitioner is entitled to pensionary benefits with effect from 01.09.1998, and had calculated the qualifying service as 118 days in the Tamil Nadu State Transport Corporation.

3. The contention of the petitioner is that, even if the qualifying service is taken as 118 days after the introduction of the new pension scheme, the petitioner had in fact rendered service from 25.07.1980 to 29.12.1998. Further, respondents 1 and 2 themselves subsequently



amended the Rules by incorporating Rule 42-A, as reflected in G.O.Ms.

No.92, Transport Department, dated 24.08.2001, which is extracted hereunder.

"16(f)(i) In the case of existing members who have drawn non-refundable advance before the implementation of this scheme out the employer's contribution, they shall repay along, with interest compounded annually calculated at the rate of interest declared for the members by the PF Trust of respective STUs for the respective subsequent years from the date of drawal of non-refundable advance Otherwise the pensionary benefits will be reduced proportionately.

16(f)(ii) In the case of members who had left the service from 01.09.1998 to 31.10.2000 the amount which would have been available to the credit of the member at the time of his leaving the service as employer's contribution and the non-refundable advance, if any, drawn by the member from Employer's contribution and interest calculated as per rule 16(f)(i) shall be the amount to be remitted back by the member or his/her legal heirs. If the member opts for commutation under rule 17 A (a), he shall have the option to net off such amount due for remittance against the commuted amount. If the commuted amount is less than the amount due for remittance by the member, he shall be entitle for pensionary benefits admissible under this scheme only after the remittance of the balance amount to the fund with interest 12% compounded annually from the date of exit from the service to the date of remittance, Otherwise, the pensionary benefits will be proportionately reduced

16(f)(iii) If the members does not opt for commutation only after the remittance of the amount, due as arrive at above the member shall be entitled for the pensionary benefits admissible under the scheme Otherwise the pensionary benefits will be proportionately reduced."

4. This Court further held that since the petitioner had already received the entire provident fund amount, he was not entitled to



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pension, as in the Transport Corporation the provident fund contributions are transferred to the pension trust, which in turn disburses pension to the employee. The petitioner contends that the said amount should instead be transferred to his new service in the Education Department, after which pension ought to be disbursed to him.

5. The petitioner further submits that even if he has received the amount from the Transport Corporation, upon taking into account his entire service under the Education Department, he would be entitled to arrears. Such arrears may be adjusted against any amount that he is required to repay to the Transport Corporation, either from his pension or from the arrears payable.

6. Heard the learned counsel for the respondents 1 and 2 and the learned Government Advocate appearing for the respondents 3 and 4.

7. At the time of passing order, the amended Rules were not placed before this Court. In light of the amended Rules, which state that even an



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employee who has resigned from service is entitled to pensionary benefits under the new pension scheme, this Court is inclined to entertain the review application. Accordingly, the petitioner is entitled to pensionary benefits based on the amended Rules.

8. In the result, the Review Application is allowed to the above extent. The Transport Corporation (first respondent) is directed to submit the petitioner's service records to the Education Department. Thereafter, the Education Department shall consider the petitioner's combined service in both the Transport Corporation and the Education Department, and pass appropriate orders regarding pension and other benefits. The relevant accounts shall then be forwarded to the General Accounts authority, which shall disburse the applicable amount to the petitioner, after deducting the amount which the petitioner received and ought to repay.

11.03.2026

Index : Yes / No
Internet : Yes
NCC : Yes / No
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5. The Government Advocate
Madurai Bench of Madras High Court,
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S.SRIMATHY, J.

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**ORDER
IN
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