



WA(MD)No.894 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 23.06.2026

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**THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR**  
**and**  
**THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN**

WA(MD)No.894 of 2026  
and  
CMP(MD)No.7591 of 2026

1.The Managing Director,  
Tamil Nadu State Transport Corporation Ltd,  
Madurai Division, Bypass Road,  
Madurai – 625 005.

2.The General Manager,  
Tamil Nadu State Transport Corporation Ltd,  
Dindigul Region, Chettinayakkanpatti Post,  
Dindigul – 624 005.

3.Administrator,  
Tamil Nadu State Transport Corporation  
Employees Pension Fund Trust,  
Thiruvalluvar Illam,  
Pallavan Salai, Chennai – 600 002.

... Appellants

Vs.

1. K.Jeyanthi

2.The State of Tamil Nadu,  
Represented by its Chairman of All State Transport Undertaking and  
Principal Secretary, Transport Department,  
Fort St George, Secretariat, Chennai – 600 009.

... Respondents



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PRAYER :- Writ Appeals filed under Clause 15 of Letters Patent, against the order made in W.P(MD)No.1603 of 2026 dated 24.02.2026.

For Appellant : Mr.S.C.Herold Singh  
For R1 : Mr.A.K.Thangavelu  
For R2 : Mr.S.Venkatesh, Counsel for State

### **JUDGMENT**

(Judgment of the Court was made by **N.SATHISH KUMAR, J.**)

The writ petitioner's husband was working as a Special Grade Driver in the appellant Transport Corporation and he died on 21.05.2023, while he was in service. The writ petitioner is working as Head Mistress in a Primary School. After the demise of her husband, she is receiving the family pension. However, she has been denied Dearness Allowance on the family pension. Therefore, she submitted a representation dated 10.11.2025 to the appellants, seeking to revise the family pension by adding the dearness allowance. Vide proceedings dated 25.11.2025, the request of the writ petitioner was rejected on the ground that since she is working as Head Mistress, she is not entitled for dearness allowance on family pension and G.O.Ms.No.112 dated 24.03.2008 is applicable only to the pensioners and not to the family pensioners. Challenging the same,



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the writ petitioner filed the writ petition. The learned Single Judge allowed the writ petition by the order impugned. Hence, the Transport Corporation is on appeal.

2. Learned counsel for the 1<sup>st</sup> respondent / writ petitioner relied upon the order passed by us in W.A(MD)No.556 of 2026 dated 30.04.2026 and submitted that the 1<sup>st</sup> respondent / writ petitioner therein is a similarly placed person as that of the writ petitioner herein and the learned Single Judge rightly adverting to the G.O.Ms.No.112, has allowed the writ petition. Thus, he would pray for dismissal of the writ appeal.

3. We have perused the materials.

4. It is to be noted that in the present case, the employment of the writ petitioner was not a consequence of the writ petitioner's husband's death, rather it was secured on the writ petitioner on her own merits before the writ petitioner's husband's passing away. The Dearness allowance received by the writ petitioner from her salary is not related to



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the service of the Writ petitioner's husband, whereas it was related to the writ petitioner's service. In the same way, the Dearness Allowance on the family pension is linked to the service rendered by the deceased husband, which forms part of the terminal benefits from his employer. Thus, denying the DA on family pension does not prevent double benefits; instead, it merely penalises the family of the deceased because the writ petitioner was gainfully employed on her own merits.

5. It is also to be noted that the Dearness Allowance on family pension was suspended by the Government of Tamil Nadu vide G.O.Ms.No.191, Finance (Pension) Department, dated 16.03.1996. Thereafter, as per the memorandum issued by the Government of India dated 02.07.1999 has issued orders allowing Dearness Allowance on family pension to the employed family pensioners at the rates applicable from time to time. In pursuance to the above said memorandum dated 02.07.1999, the Government of Tamil Nadu, vide G.O.Ms.No.112 dated 24.03.2008 allowed Dearness Allowance on family pension in the case of employed family pensioners and the same has been clearly mentioned in paragraph No.3 of the said G.O., which reads as follows:



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*"3. Government after considering the above order of Government of India has decided to allow Dearness Family Pension wherever admissible and Dearness Allowance on family pension in the case of employed family pensioners. Accordingly, Government direct that Dearness Family Pension at the rate of 50% of Family Pension and Dearness Allowance on family pension including Dearness Family Pension wherever admissible shall be paid to all the employed family pensioners in State or Central Government or a Government Undertaking or a Corporation or an Autonomous Body or a Local Fund in a post on fixed pay or on time scale of pay where Dearness Allowance on pay is allowed."*

6. Therefore, we are of the view that rejecting the writ petitioner's request on the ground that since she is working as Headmistress in a Primary School, she is not entitled for Dearness Allowance on family pension, is contrary to the above mentioned G.O.Ms.No.112 dated 24.03.2008. There is no merits in the writ appeal and the same is liable to be dismissed.



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7. Accordingly, this Writ Appeal is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

**[N.S.K., J.] & [M.J.R., J.]**  
**23.06.2026**

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To

The Principal Secretary,  
State of Tamil Nadu,  
Represented by its Chairman of All State Transport Undertaking and  
Transport Department,  
Fort St George, Secretariat, Chennai – 600 009.



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**N.SATHISH KUMAR, J.**  
**AND**  
**M.JOTHIRAMAN, J.**

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**JUDGMENT MADE IN**  
**WA(MD)No.894 of 2026**  
**DATED : 23.06.2026**