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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27-10-2026

CORAM

THE HON'BLE MR JUSTICE B.PUGALENDHI

WP(MD) No. 30526 of 2026

CNR:{HCMD011513932026}

S.Muthulakshmi,
D/o T.Viswanathan (Late),
Selection Grade Conductor,
Staff No. 3709,
No.6/51A R.C street, Kathalampatti (PO),
Vilathikulam,
Thoothukudi District.

..Petitioner

Vs

1. The Principal Secretary to Government,
   Transport Department,
   St. George Fort,
   Chennai

2. The Managing Director
   Tamil Nadu State Transport,
   Corporation (Thirunelveli) Limited,
   23/2, Kattaboman Nagar,
   Thirunelveli-627 011.

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

..Respondents

PRAYER: S-38. Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of

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Mandamus directing the respondents to pay Dearness Allowance on petitioners family pension from 10.12.2018 being the date of death of her husband and to pay the arrears thereof and interest at the rate of 6 percent per annum and to continue the pension payment along with Dearness Allowance within a time frame as may be fixed by this Honble Court and pass such further or other orders as this Honble Court may deem fit and proper in the nature and circumstances of the case and thus render justice.

For Petitioner :Ms. D.Ramya
For R1 :Mr.M.Mahaboob Athiff
Special Government Pleader
For R2 :Mr.K.Ramaiah
Standing Counsel
For R3 :Mr.S.C.Herold Singh
Standing Counsel

O R D E R

The petitioner served as a Clerk in Tamil Nadu Electricity Board and retired from service on 31.01.2010. She is receiving family pension from the Government. The petitioner's husband served as a Conductor in the respondent Corporation and retired from service on 28.02.2011. After his demise in the year 2018, the petitioner is receiving family pension from the Government. However, the dearness allowance, due to the family pension, has not been provided to this petitioner. Therefore, the petitioner is before this Court seeking a writ of Mandamus.

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2.This issue has already been decided by this Court in W.P.(MD)No.35410 of 2025, by order dated 10.12.2025. As against the same, a writ appeal has been filed by the Transport Corporation before a Division Bench of this Court in W.A.(MD)No.556 of 2026. The Division Bench of this Court, by a Judgment dated 30.04.2026, has dismissed the appeal in the following terms.

> *13.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 the service of the Writ petitioner's husband, 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.*
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> *14.It is 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*

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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., cited supra. Therefore, we are of the view that rejecting the writ petitioner's request on the ground that since she is working as Deputy Director/P.A. (Agri) to the District Collector, Theni, 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. Accordingly, this writ appeal is dismissed.

3.Mr.S.C.Herold Singh, learned Standing Counsel appearing for the 3rd respondent, by referring an interim order passed by a Division Bench of Principal Seat in C.M.P.Nos.17855 and 17857 of 2026 in Rev.Apl.SR.Nos.76271 and 70266 of 2026, submits that in similar issues, review applications have been entertained and interim order has also been passed by the Division Bench of Principal Seat.

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4.A perusal of the interim order passed in C.M.P.Nos.17855 and 17857 of 2026 in Rev.Apl.SR.Nos.76271 and 70266 of 2026 reveals that an order has been passed in W.A.Nos.2422 and 2424 of 2022 by a Division Bench of the Principal Seat and the same has been stayed by a Division Bench of the Principal Seat while entertaining the review applications and the review applications are yet to be decided.

5.However, the fact remains that a Division Bench of this Court has taken a similar decision based on the decision taken by a Division Bench of the Principal Seat in W.A.Nos.2422 and 2424 of 222 dated 23.09.2025 and also the Judgment of the Hon'ble Supreme Court in ***State of Uttar Pradesh and others vs. Ajay Kumar Sharma,*** reported in ***2016 15 SCC 289.***

6.Since the issue has already been decided by this Court in W.P.(MD)No.35410 of 2025, on 10.12.2025, which has also been confirmed by the Division Bench of this Court in W.A.(MD)No.556 of 2026, by Judgment dated 30.04.2026, this writ petition is allowed.

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The respondents are directed to pay the eligible Dearness Allowance on the family pension of the petitioner's husband to the petitioner forthwith. No costs.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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   Transport Department,
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B.PUGALENDHI, J.

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Order made in
WP(MD) No. 30526 of 2026

27.10.2026

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