

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.04.2015

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.11368 of 2015

J.Panchalai

... Petitioner

... Vs ...

1. The State of Tamil Nadu,
Rep. by its Secretary,
Transport Department,
Secretariat,
Chennai - 600 009.
2. Tamil Nadu State Transport Corporation (Salem) Ltd.,
(Old Name - Annai Sathya Transport Corporation Ltd.),
Rep. by its Managing Director,
Salem Division-II,
Dharmapuri.
3. The Commissioner,
Employees Provident Fund,
Regional Office,
No.20, Royapettah High Road,
Chennai - 600 014.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to grant Family Pension and for payment of arrears of Family Pension to the petitioner from 09.11.1991, the date of the death of the petitioner's husband by following the judgements in W.A.No.1246 of 2009, dated 18.08.2010 and in W.P.No.33975 of 2005, dated 20.09.2011.

For Petitioner : Mr.V.S.Jagadeesan

For R-1 : Mr.V.Jayaprakash Narayanan,
Special Government Pleader

For R-2 : Mr.P.Kannan Kumar

For R-3 : Mr.T.R.Sundaram

O R D E R

Heard Mr.V.S.Jagadeesan, learned counsel appearing for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader, appearing for the first respondent, Mr.P.Kannan Kumar, learned counsel appearing for the second respondent and Mr.T.R.Sundaram, learned counsel appearing for the third respondent.

2. The prayer in the writ petition is for issuance of a writ of mandamus directing the first respondent to grant Family Pension and for payment of arrears of Family Pension to the petitioner from 09.11.1991, the date of the death of the petitioner's husband by following the judgements in W.A.No.1246 of 2009, dated 18.08.2010 and in W.P.No.33975 of 2005, dated 20.09.2011.

3. The case of the petitioner is that her late husband viz., G.Jayasingh was appointed as a Driver on 05.12.1968 in the erstwhile State Transport Department and was allotted Staff No.2284. Subsequently, on formation of various new Transport Corporations, on 01.05.1975 her late husband G.Jayasingh was absorbed in the second respondent Transport Corporation as a Driver and was allotted Staff No.FD0008 and the husband of the petitioner, while in service, died on 09.11.1991. The husband of the petitioner contributed to the Employees Family Pension Scheme till his death. After his death, the petitioner was paid life time arrears of pensionary benefits as per the Pension Payment Order No.DC/525667/Tpt by the Accountant General (A & E), Tamil Nadu.

4. Therefore, now the grievance of the petitioner is that she gave a representation dated 10.04.2014 to the first respondent for granting Family Pension under the Tamil Nadu Pension Rules 1978 to the petitioner from 09.11.1991, the date of death of her husband by following the judgements in W.A.No.1246 of 2009 and followed in G.O.(3D) No.38, Transport (RW1) Department, dated 07.09.2011 and the orders passed in Writ Petitions in W.P.Nos.33975 and 35674 of 2005 etc., dated 20.09.2011, as given to the other similarly placed persons. But till date, the first respondent has not shown any sign of disposal of the said representation and hence, she came forward to file this writ petition.

5. This Court, taking into consideration the limited scope of prayer sought for by the petitioner and without going into the merits of the matter, directs the first respondent to consider the representation dated 10.04.2014 submitted by the petitioner and pass orders in the light of the judgements passed in

W.A.No.1246 of 2009, dated 18.08.2010 and in W.P.Nos.33975 and 35674 of 2005, dated 20.09.2011, within a period of ten weeks from the date of receipt of a copy of this order.

6. This Writ Petition is disposed of accordingly. No costs.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

Jrl

To

1. The Secretary,
The State of Tamil Nadu,
Transport Department,
Secretariat,
Chennai - 600 009.
2. The Managing Director,
Tamil Nadu State Transport Corporation (Salem) Ltd.,
(Old Name - Annai Sathya Transport Corporation Ltd.),
Salem Division-II,
Dharmapuri.
3. The Commissioner,
Employees Provident Fund,
Regional Office,
No.20, Royapettah High Road,
Chennai - 600 014.

1 cc to Government Pleader, Sr. 21516
1 cc to M/s. P. Kannankumar, Advocate, Sr. 21337
1 cc to M/s. V.S. Jagadeesan, Advocate, Sr. 21360

W.P.No.11368 of 2015

MP (CO)

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