

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.04.2015

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.11372 of 2015

N.Saroja

... Petitioner

... Vs ...

1. The State of Tamil Nadu,
Rep. by its Secretary,
Transport Department,
Secretariat,
Chennai - 600 009.
2. Metropolitan Transport Corporation Ltd.,
(Old Name - Pallavan Transport Corporation Ltd.),
Rep. by its Managing Director,
Pallavan Salai, Chennai - 600 002.
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 25.03.2007, 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 25.03.2007, 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., K.Natarajamoorthy was appointed as a Driver in the erstwhile State Transport Department and his services were regularized. Subsequently, on formation of various new Transport Corporations, on 15.09.1975 her late husband K.Natarajamoorthy was absorbed in the Pallavan Transport Corporation as a Driver and allotted Staff No.DO2819. Petitioner's late husband, after putting nearly about 32 years of service, attained the age of superannuation on 31.08.1998 and was allowed to retire honourably. Petitioner's husband, after his retirement, died on 25.03.2007. The petitioner's husband, while in service, contributed to the Employees Family Pension Scheme 1995 till he attained the age of superannuation on 31.08.1998. After his death, the petitioner is receiving family pension under the Employees Family Pension Scheme 1995.

4. Therefore, now the grievance of the petitioner is that she gave a representation dated 24.04.2014 to the first respondent for granting Family Pension under the Tamil Nadu Pension Rules 1978 to the petitioner from 25.03.2007, 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 24.04.2014 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

/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,
Metropolitan Transport Corporation Ltd.,
(Old Name - Pallavan Transport Corporation Ltd.),
Pallavan Salai, Chennai - 600 002.
3. The Commissioner,
Employees Provident Fund,
Regional Office,
No.20, Royapettah High Road,
Chennai - 600 014.

1 cc to M/s.P. Kannankumar, Advocate, Sr. 21341
1 cc to M/s.V. Jagadeesan, Advocate, Sr. 21364

W.P.No.11372 of 2015

MP (CO)
kk 25/5