

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Writ Petition No.33449 of 2014

R.Rajalakshmi

... Petitioner

vs.

1. The State of Tamil Nadu
rep.by its Secretary
Transport Department
Secretariat, Chennai 600 009.

2. Metropolitan Transport Corporation Ltd.,
(Old Pallavan Transport Corpn.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

Petition filed under Article 226 of the Constitution of India for the issuance of writ of mandamus to direct the first respondent to grant pension to be paid to the petitioner's late husband based on the G.O.Ms.No.42, Transport dated 27.05.2005, fixing the cut off date of his service in the Transport Department as 31.03.1982 and to pay the same to the petitioner as lifetime arrears of pensionary benefits and to grant family pension to the petitioner from 25.04.1989, the date of the death of the petitioner's husband by following the judgments in W.A.No.1246 of 2009 dated 18.08.2010, W.P.No.33975 of 2005 dated 20.09.2011 and in W.P.No.35674 of 2005 dated 20.09.2011.

For Petitioner : Mr.R.Singaravelan for
Mr.V.S.Jagadeesan

For Respondents : Mr.M.S.Ramesh
Additional Government Pleader for R1
Mr.T.Paramasivadosh for R2

O R D E R

The husband of the petitioner was an employee of the erstwhile State Transport Department. His services were regularized. Subsequent to the formation of Transport Corporation for the State of Tamil Nadu, he was absorbed in Metropolitan Transport Corporation. The husband of the petitioner had contributed to the Employees Family Pension Scheme till his death. After his death, the petitioner received the pension under the Employees Provident Fund Scheme 1995. The claim made by the petitioner for payment of family pension was not considered by the respondents inspite of showing the orders passed by the High Court and the related orders passed by the Government sanctioning pension. The petitioner, therefore, seeks a writ of mandamus directing the first respondent to consider her application and sanction pension.

2. Heard the learned counsel for the petitioner, the learned Additional Government Pleader appearing on behalf of the first respondent and the learned Standing Counsel appearing for the second respondent.

3. The issue raised by the petitioner is covered by the judgments of this Court dated 18.08.2010 in W.A.No.1246 of 2009 and 20.09.2011 in W.P.Nos.33975 of 2005 and 35674 of 2005 respectively. This Court under similar circumstances, directed the Government to pay pension to the widow of the concerned employee. The petitioner is also similarly situated. She is entitled to the benefit of earlier orders.

4. The first respondent is directed to consider and dispose of the representation submitted by the petitioner dated 20.09.2013, in the light of the orders passed by this Court in W.A.No.1246 of 2009 and W.P.Nos.33975 of 2005 and 35674 of 2005 and the consequential order passed by the Government in G.O.(3D)No.62, Transport (RW1) Department dated 24.12.2014. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

5. The writ petition is disposed of with the above direction.
No costs.

Sd/-
Asst. Registrar

/true copy/

Sub Asst. Registrar.

vj2

To

1. The Secretary to
Government of Tamil Nadu
Transport Department
Secretariat, Chennai 600 009.
2. The Managing Director
Metropolitan Transport Corporation Ltd.,
(Old Pallavan Transport Corpn.Ltd.)
Pallavan Salai
Chennai 600 002.
3. The Commissioner
Employees Provident Fund
Regional Office
No.20, Royapettah High Road
Chennai 600 014.

+5cc's to Mr.V.S.Jagadeesan, Advocate, S.R.No.8877
+1cc to the Government Pleader, S.R.No.9235

W.P.No.33449 of 2014

RSY(CO)
CA(10/03/2015)

WEB COPY