

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2015

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.25107 of 2015

D.Sumathy

.. Petitioner

Vs

Chennai Port Trust,
Administrative Office,
Rajaji Salai, Chennai-1.

.. Respondent

Petition filed under Article 226 of The Constitution of India, praying for the issuance of a Writ of mandamus directing the respondent to consider and pass appropriate orders sanctioning Family Pension to the petitioner in respect of her late husband's service with the respondent organization as Mazdoor with effect from 24.09.2012 as per the letter No.01(05)/2012-D(Pen/Policy) dated 17.01.2013 of the Department of Ex-servicemen Welfare, under the Ministry of Defence, Government of India, based on the petitioner representation made in December 2013, within a time frame fixed this Court.

For Petitioner .. Mr.S.Sathia Chandran

For Respondent .. Mr.V.Haribabu

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner is a widow of late K.Sigamani, who died on 28.08.1998. It is stated by the petitioner that her husband is an ex-service man served in the Army between 1962 and 1983 as Nayak. Thereafter, on 11.08.1993, he joined the service of the respondent organisation as Mazdoor (C & P) in the Engineering Department and became a permanent employee and unfortunately, died in harness on 28.08.1998, leaving behind the petitioner, two sons and two daughters. It is further stated by the petitioner that on account of the fact that her husband served in the Army for nearly 21 years, has been paid pension but however in respect of the service rendered

by him in the respondent organisation, he has not been paid with family pension. It is the specific claim of the petitioner that as per the proceedings dated 17.01.2013 of the Government of India, Ministry of Defence, Department of Ex-servicemen Welfare, New Delhi in Letter No.01(05)/2010-D(Pen/Policy), she is eligible for family pension payable from Army as well as from civil side and in this regard, she has submitted a representation dated Nil, December, 2013. Though it was received and acknowledged, she is yet to be favoured with any kind of response and hence, came forward to file this writ petition.

3.Heard the submissions of Mr.S.Sathia Chandran, learned counsel appearing for the petitioner and Mr.V.Haribabu, learned counsel, who accepts notice on behalf of the respondent.

4.This Court, taking into consideration the above facts and circumstances, directs the petitioner to submit one more representation to the respondent by enclosing a copy of this order as well as copy of the earlier representation dated Nil, December, 2013, within a period of two weeks from the date of receipt of a copy of this order and the respondent, on receipt of the same, is directed to consider the same on merits and in accordance with law and pass orders, after taking note of the above said communication of the Ministry of Defence dated 17.01.2013, within a period of six weeks thereafter and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

सत्यमेव जयते

To

The Chennai Port Trust,
Administrative Office,
Rajaji Salai, Chennai-1.

+1 cc to Mr.S.Sathia Chandran Advocate sr.42765/15

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