

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.8.2015

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THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.27125 of 2015

R.Banumathi

...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
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 issuance of a Writ of Mandamus directing the 1st Respondent to grant Family Pension and for payment of arrears of Family Pension to the Petitioner from 08-12-2014 the day following the date of the death of the Petitioner husband by following the judgements in W.A.No.1246 of 2009 18.08.2010 and in W.P.No. 33975 of 2005 dated 20-09-2011.

For Petitioner : Mr.V.S.Jagadeesan

For R1 : Mr.S.Gunasekaran
Special Government Pleader

For R2 : Mr.V.Udayakumar

For R3 : Mr.V.J.Latha

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner would state that her husband, namely, R.Rajamanickam was appointed as a Conductor in the erstwhile service of State Transport Corporation and his services were regularised. Subsequently, various new Transport Corporations came into being and her husband was absorbed in the services of the second respondent Corporation as conductor and also got promotion as Traffic Inspector with Staff No.A12723. The husband of the petitioner also got further promotion as Traffic Manager/Assistant Branch Manager(Traffic) vide memo dated 16.6.1993. The husband of the petitioner attained superannuation on 30.6.1994 and sometimes thereafter, died on 07.12.2014. The husband of the petitioner has received the pension till his demise on 07.12.2014 and it is the specific claim of the petitioner that on his demise, she is also entitled to get family pension with effect from the date of demise of her husband on 07.12.2014. The petitioner in this regard has submitted representation on 18.04.2015. Since no orders have been passed, came forward to file this writ petition.

3. Mr.V.S.Jagadeesan, the learned counsel appearing for the petitioner would draw the attention of this Court to the orders dated 20.09.2011, 23.04.2012, 27.8.2014, 18.02.2015 and 20.4.2015 passed in W.P.Nos.33975/05, 35674/05, 6032/07, 18886/14 batch etc, 33451/14 and 11372/15 respectively and would submit that on similar facts and circumstances, this Court have passed positive orders for conferment of such a benefit and orders have also been implemented by passing G.O.Ms.3(D) No.20, Transport (RW1) Dept, dated 18.7.2013, G.O.Ms.3 (D) No.23, Transport (RW1) Dept, dated 25.7.2013 respectively and hence, there cannot be any impediment on the part of the first respondent to pass appropriate orders.

4. Heard the submissions of the learned counsel appearing for the petitioner and Mr.S.Gunasekaran, learned Government Advocate who accepts notice on behalf of R1, Mr.V.Udayakumar, who accepts notice on behalf of R2 and Mrs.V.J.Latha, who accepts notice on behalf of R3. This Court has also considered the above said orders vide common orders W.P.Nos. 25880 and 25881 of 2015 has directed the concerned respondent to take note of the Government orders and pass appropriate orders within the stipulated time.

5. Therefore, in the light of the facts and circumstances, this Court directs first respondent to consider and dispose of the petitioner's representation dated 18.04.2015 on merits and in accordance with law after taking note of the above cited Orders as well as Government Orders and pass orders within a period of 10 weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

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

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

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To

- 1 The Secretary State of Tamil Nadu
Transport Department
Secretariat Chennai- 600 009.
 - 2 The Managing Director, Metropolitan Transport
Corporation Ltd. (Old 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.
- +1 cc to M/s.V.S.Jagadeesan, Advocate, sr.46286
+1 cc to M/s.V.Udayakumar, Advocate, sr.48251
+1 cc to The Government Pleader, sr.46855

W.P.No.27125 of 2015

mp co
kra 16/09

सत्यमेव जयते

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