

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.8.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.27129 of 2015

D.Amutha

... 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 06.3.2015 the day following the date of the death of the Petitioner's 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,

M.Dharmalingam was appointed as a LTV Driver in the erstwhile service of State Transport Department and his services were regularised. Subsequently, various new Transport Corporations came into being and her husband was absorbed as a LTV Driver in the services of the second respondent Corporation as Staff No.D05676. He worked in the said post till he attained superannuation on 31.07.1998 and he was in receipt of family pension till the date of his demise on 05.03.2015.

3. It is the claim of the petitioner that on his demise, she is entitled to receive family pension from the date of demise of her husband on 05.03.2015. The petitioner in this regard has submitted representation on 14.08.2015. Since no orders have been passed, came forward to file this writ petition.

4. 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.

5. 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, learned standing counsel, 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.

6. Therefore, in the light of the facts and circumstances, this Court directs first respondent to consider and dispose of the petitioner's representation dated 14.08.2015 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.

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

Sd/-
Asst.Registrar (CO)

/true copy/

kua

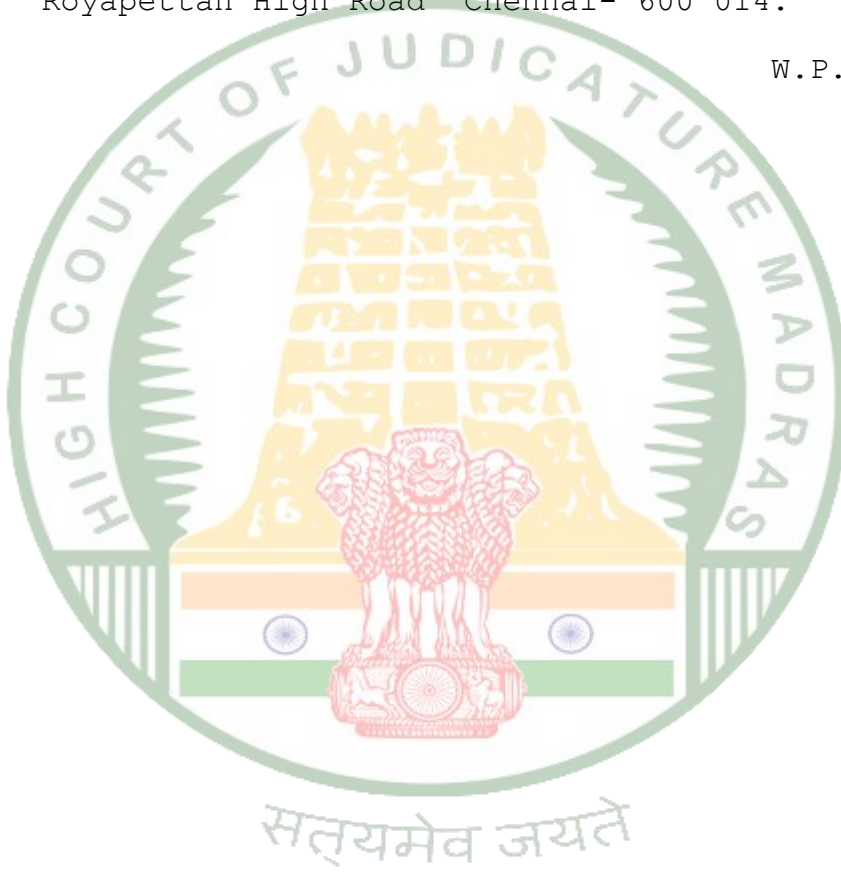
Sub Asst. Registrar

To

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

W.P.No.27129 of 2015

mp co
kra 16/09



WEB COPY