

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21-09-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.29603 of 2015

D.Kanaka

... 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 first respondent to grant Family Pension to the petitioner from 3.11.1984, the date of death of the petitioner's husband or from 1.1.1988 as per G.O.Ms.No.42, Transport (RW) Department, dated 27.5.2005, and by following the judgments in W.A.No.1246 of 2009 dated 18.8.2010, W.P.No.33975 of 2005 dated 20.9.2011 and W.P.No.35674 of 2005 dated 20.9.2011.

For Petitioner : Mr.V.S.Jagadeesan

For Respondents : Mr.S.Gunasekaran
Government Advocate for R1

Mr.V.Udayakumar for R2

Mr.T.R.Sundaram for R3

ORDER

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

2.The petitioner would state that her husband was initially appointed as a Conductor in the services of the erstwhile State Transport Corporation on 20.2.1968, and due to the formation of various Transport Corporations, he was absorbed in the services of the then Metropolitan Transport Corporation Limited on 1.5.1975, and he died in harness on 3.11.1984.

3.The petitioner would further state that she is receiving the family pension of Rs.529/- under the EPF Scheme, 1995, in terms of G.O.Ms.No.110, Transport Department, dated 6.6.2002, family pension was sanctioned to the families of erstwhile Tamil Nadu State Transport Department employees and vide G.O.Ms.No.189, Transport (RW1) Department, dated 13.8.2004, the first respondent has also extended the benefit of family pension and by means of subsequent G.O.Ms.No.42, Transport (RW) Department, dated 27.5.2005, the first respondent has extended the said benefit to the erstwhile Tamil Nadu State Transport Department employees, who had put in less than 10 years of Government Service in Tamil Nadu State Transport Department, by fixing the cut off date for family pension as 1.4.1982.

4.The claim of the petitioner is that in accordance with the latest G.O.Ms.No.42 dated 27.5.2005, her husband has put in 14 years, 1 month and 11 days of service as on 1.4.1982, and therefore, she is entitled to get family pension and in this regard, submitted a representation dated 9.3.2015, to the respondents and since no orders have been passed, came forward to file this writ petition.

5.Mr.V.S.Jagadeesan, learned Counsel appearing for the petitioner, would submit that the matter in issue, is squarely covered by the judgment dated 18.8.2010, made in W.A.No.1246 of 2009, as well as the orders dated 20.9.2011, made in W.P.Nos.33975 and 35674 of 2005 and some of the orders passed by this Court in this regard, have also been implemented by the first respondent by issuing Government Orders in G.O.(3D) No.20, Transport (RW1) Department, dated 18.7.2013, and G.O.(3D) Nos.22 and 23 (very same Department) dated 25.7.2013, and prays for similar relief.

6.The Court heard the submissions of Mr.S.Gunasekaran, learned Government Advocate, who accepted notice on behalf of the first respondent, Mr.V.Udayakumar, learned Standing Counsel, who accepted notice on behalf of the second respondent, and Mr.T.R.Sundaram, learned Standing Counsel, who accepted notice on behalf of the third respondent, also.

7. Though the petitioner prayed for a larger relief, this Court, in the light of the facts and circumstances, directs the first respondent to consider and dispose of the petitioner's representation dated 9.3.2015, on merits and in accordance with law, after taking note of the above said orders passed by this Court, as well as the above cited Government Orders, within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

nsv

To:

1. The Secretary to Government
Transport Department
Secretariat, Chennai 600 009
2. The Managing Director
Metropolitan Transport
Corporation Ltd.,
(Old 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

+1cc to Mr.V.S.Jagadeesan, Advocate, S.R.No.51292
+1cc to the Government Pleader, S.R.No.51519

W.P.No.29603 of 2015

CTK(CO)
CA(05/10/2015)