

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Writ Petition No.29775 of 2015

Vijayalakshmi

... Petitioner

Vs.

- 1 The Administrator
TNSTC Employees Pension Fund Trust
Thiruvalluvar House,
Pallavan Salai Chennai- 2
 - 2 The Managing Director,
Tamil Nadu Government Transport Corporation,
12 Ramakrishna Road, Salem
 - 3 The Trustee,
Tamil Nadu Government Transport Corporation (Salem),
Employees Provident Fund Trust ,
12 Ramakrishna Road Salem-7
- ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the Respondents herein to grant 100% pensionary benefits to the petitioner along with its arrears by considering the legal notice issued by the petitioner herein dated 13.05.2015.

For Petitioner : Mr. R.Nalliyappan
For Respondents : Mr. P.Paramasivadosh
- - -

ORDER

Mr.P.Paramasivadosh, learned Standing Counsel takes notice for respondents. By consent of the learned counsel appearing for both sides, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner claims to be the wife of one R.Kannan, who worked as a conductor in the services of the second respondent Corporation, has filed Consumer Case No.62 of 2011 before the Consumer Disputes Redressal Forum, Salem, claiming pension amount from November 2010 and also for other monetary reliefs. The Consumer Disputes Redressal Forum, vide order dated 28.12.2011, has directed the third respondent, namely, the

Trustee, Tamil Nadu Government Transport Corporation (Salem), Employees Provident Fund Trust, Salem, to pay future family pension as per the rules and also awarded the compensation and costs. The petitioner, in this regard, has also submitted a representation dated 18.08.2012 to the Assistant Manager (Audit) of the third respondent and prays for disbursement of family pension.

3. The petitioner would state that there are other legal heirs born through the first wife of her husband, Kannan, and though all of them have attained majority and well placed, they are still claiming their share in the family pension. In this regard, the petitioner has sent a legal notice, dated 13.05.2015 to the respondents and though it was received and acknowledged, no proper response is forthcoming and hence, the petitioner has come forward to file this writ petition.

4. The learned counsel for the petitioner would submit that the first respondent has requested the second respondent to accord proper response to the legal notice sent by the petitioner and inspite of it, the petitioner is yet to receive any kind of reply and therefore, prays for passing appropriate orders.

5. This Court heard the submissions of the learned counsel for the petitioner and Mr. Paramasiva Doss, learned Standing Counsel, who accepts notice on behalf of the respondents.

6. Though the petitioner has prayed for a larger relief, this Court in the light of the facts and circumstances of the case and without going into the merits of the claim projected by the petitioner, directs respondents 1 and 2 to consider the legal notice dated 13.05.2015 sent on behalf of the petitioner and pass appropriate orders in accordance with law within a period of eight 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/-

सत्यमेव जयते
ASSISTANT REGISTRAR

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SUB-ASSISTANT REGISTRAR

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To

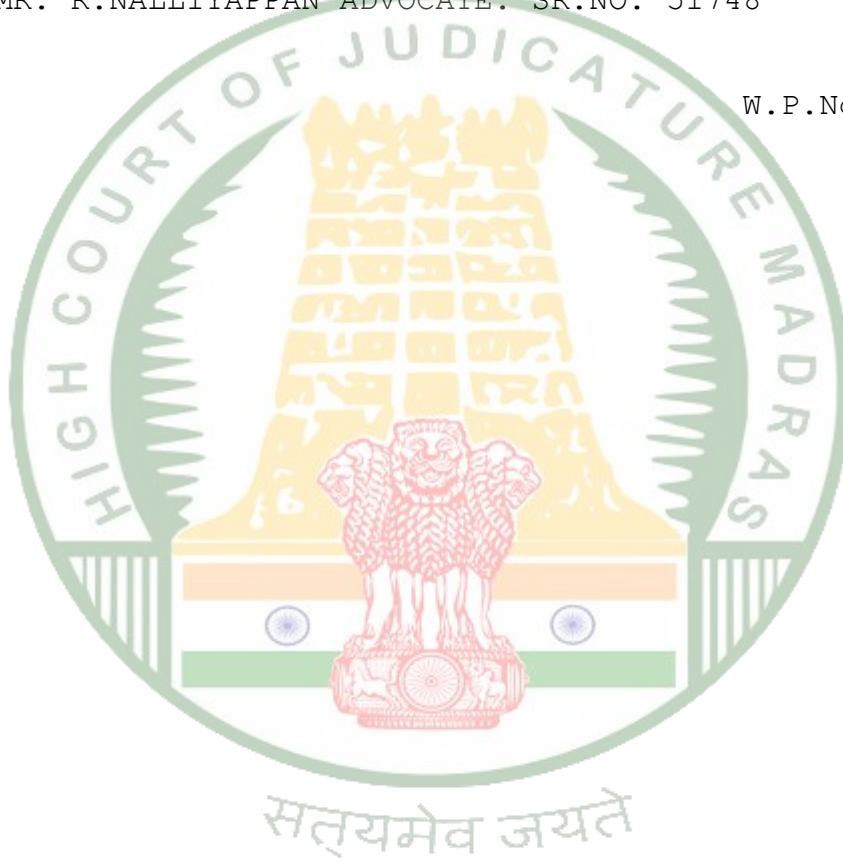
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+1 CC to MR. R.NALLIYAPPAN ADVOCATE. SR.NO. 51748

W.P.No.29775 of 2015

CO-CTK
JD 08/10/2015



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