

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2015

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.38910 of 2015

Mrs.S.Rajeswari

..Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary,
Transport Department,
Secretariat,
Chennai 600 009.

2.The Tamil Nadu State
Transport Corporation (VPM) Ltd.,
Rep. by its Managing Director,
Kancheepuram Division,
Kancheepuram.

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 for issuance of Writ of Mandamus to direct the first respondent to grant Family Pension and for payment of arrears of family pension to the petitioner from 25.05.1995, the day following the date of the death of the petitioner's husband and by following the judgment passed in W.A.No.1246 of 2009 dated 18.08.2010 and the orders passed in W.P.No.33975 of 2005 dated 20.09.2011, W.P.No.35674 of 2005 dated 20.09.2011 and in W.P.Nos.25880 and 25881 of 2015 dated 20.08.2015.

For Petitioner : Mr.R.Singaravelan
for Mr.V.S.Jagadeesan

For 1st Respondent : Mr.V.Jayaprakash Narayanan
Special Govt. Pleader

For 2nd Respondent : Mr.V.Udayakumar
For 3rd Respondent : Mr.T.R.Sundaram

ORDER

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

2. The case of the petitioner is that her husband P.Seethapathy was appointed as Conductor on 15.03.1961 in the erstwhile State Transport Department and his service was regularised. Subsequently, he was absorbed in Thanthai Periyar Transport Corporation Limited and then he was transferred to the Tamil Nadu Transport Corporation (VPM) Ltd. Thereafter, he was promoted as Checking Inspector and on 24.05.1995, he died, while he was in service.

3. The petitioner would state that her husband was entitled for pension as he had put in more than ten years of service in the Transport Department. Further as per G.O.Ms.No.189, Transport (RW1) Department dated 13.08.2014, the petitioner is entitled for family pension. However, the first respondent is paying a sum of Rs.318/- only as family pension under Employees Provident Fund Scheme 1995.

4. The petitioner would further state that the person like that of the petitioner, immediately filed Writ Petition in W.P.No.35643 of 2007. Though the said writ petition was dismissed, in the Writ Appeal No.1246 of 2009, the Government was directed to grant family pension with certain conditions.

5. Mr.R.Singaravelan, learned counsel appearing for the petitioner submitted that the petitioner is entitled to the benefit under G.O.Ms.No.189, Transport (RW1) Department dated 13.08.2004, G.O.Ms.No.42, Transport (RW) Department, dated 27.05.2005 and as per the judgment passed by the Division Bench in Writ Appeal No.1246 of 2009, wherein this Court directed the first respondent therein to sanction family pension, which was also confirmed by the Hon'ble Supreme Court in S.L.P.No.8381 of 2011.

6. Heard the submission of Mr.R.Singaravelan, learned counsel appearing for the petitioner, Mr.V.Jayaprakash Narayanan, learned Special Government Pleader appearing for the first respondent, Mr.V.Udayakumar and Mr.T.R.Sundaram, learned counsel appearing for the second and third respondents respectively.

7. Though the petitioner sought for larger relier, this Court, without going into the merits of the case, directs the petitioner to give one more representation to the first respondent by enclosing the copy of the order passed in this

Writ Petition and the judgment passed in Writ Appeal No.1246 of 2006 within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the first respondent is directed to consider the claim of the petitioner in the light of the G.O.Ms.No.189, Transport (RW1) Department dated 13.08.2004 and G.O.Ms.No.42, Transport (RW) Department, dated 27.05.2005 as well as the above cited order of this Court and pass orders on merits and in accordance with law within a period of eight weeks therefrom and communicate the decision taken, to the petitioner.

8. This writ petition is disposed of accordingly. No costs.

Sd/
ASSISTANT REGISTRAR (CS-III)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

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To

1.The Secretary,
State of Tamil Nadu,
Transport Department,
Secretariat,
Chennai 600 009.

2.The Managing Director,
Tamil Nadu State
Transport Corporation (VPM) Ltd.,
Kancheepuram Division,
Kancheepuram.

3.The Commissioner,
Employees Provident Fund,
Regional Office,
No.20, Royapettah High Road,
Chennai 600 014.

+1 CC to Govt.Pleader. SR.NO. 66607

W.P.No.38910 of 2015

CO-Sn
JD 28/12/2015