

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2015

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.39499 of 2015

K.Mathialagi

.. Petitioner

Vs.

1.The State of Tamil Nadu
Rep. By its Secretary
Transport Department
Secretariat, Chennai-9.

2.Metropolitan Transport Corporation Ltd,
(old Pallavan Transport Corporation Ltd)
Rep by its Managing Director
Pallavan Salai, Chennai-2.

... 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 and for payment of arrears of family pension to the petitioner from 10.06.1984 the date of death of the petitioner's husband by following the judgments in WA.Nos.2296 and 2297 of 2000 dated 13.11.2000.

For Petitioner : M/s.V.S.Jagadeesan

For respondents : Mr.V.Jayaprakash Narayanan,
Spl.GP for R1.
Mr.V.Udayakumar for R2.

O R D E R

With the consent of both sides, the Writ Petition is taken up for final disposal.

2.The petitioner would state that her husband A.K.Kannan was working in the second respondent Corporation and he died on 10.06.1984, while he was in service. The petitioner would further state that she is entitled for family pension from the date of death of her husband i.e, on 10.06.19984, but the respondents is paying pension only from 18.09.2006.

3.The petitioner claims that in identical circumstances, this Court in WP.Nos.15121 and 15124 of 1993 directed the respondent corporation to pay pension from the date of death of their employee, which was also confirmed by the Division

Bench of this Court in WA.Nos.2296 and 2297 of 2000 dated 13.11.2007.

4.The petitioner would state that she is also entitled for the same benefit, therefore, she made representation to the respondents on 21.09.2015. Since, it was not considered, the petitioner came up with the present writ petition.

5.Heard the submissions of Mr.V.S.Jagadeesan, learned counsel appearing for the petitioner and Mr.V.Jayaprakash Narayanan, Special Government Pleader appearing for first respondent and Mr.V.Udayakumar, learned counsel appearing for the second respondent who accepts notice on behalf of the respondents.

6.This Court, taking into consideration the limited scope of prayer sought for by the petitioner and without going into the merits of the same, directs the first respondent to consider the representation of the petitioner dated 21.09.2015 in the light of the above said orders passed by this Court in earlier occasion and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

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

sd/-
Assistant Registrar(J)

/TRUE COPY/

Sub-Assistant Registrar

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To

1.The Secretary, State of Tamil Nadu
Transport Department
Secretariat, Chennai-9.

2.The Managing Director,
Metropolitan Transport Corporation Ltd,
(old Pallavan Transport Corporation Ltd)
Pallavan Salai, Chennai-2.

+1 CC to MR.V.S.Jagadeesan Advocate. SR.NO.67522
+1 CC to MR.V.Udayakumar Advocate. SR.NO.67735
+1 CC to Govt.Pleader. SR.NO.67386

W.P.No.39499 of 2015

CO-SK

JD 11/01/2016

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