

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2016

CORAM:

THE HONOURABLE Mr. JUSTICE T.RAJA

W.P. No.16097 of 2016

V.Maheshwari

.. Petitioner

-vs-

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

2.Metropolitan Transport
Corporation (Chennai) Ltd.,
(Old Pallavan Transport
Corporation Ltd.)
rep. by its Managing Director,
Pallavan Salai, Chennai-600 002. .. Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the first respondent to grant family pension and payment of arrears of family Pension to the petitioner from 14.11.2008 the date following the date of death of the petitioner's father by following the Government Orders in G.O. Ms. No.325 Finance (Pension) Department, dated 28.11.2011 and G.O. Ms. No.165 Finance (Pension) Department, dated 21.05.2012.

For petitioner : Mr.V.S.Jagadeesan

For respondents : Mr.S.Gunasekaran,
Additional Government Pleader for R1
Mr.V.Udayakumar for R2

ORDER

The petitioner V.Maheshwari has come to this Court, seeking a direction to the first respondent to grant family pension and payment of arrears of family Pension from 14.11.2008 i.e. the date on which her father died, by following the Government

Orders in G.O. Ms. No.325 Finance (Pension) Department, dated 28.11.2011 and G.O. Ms. No.165 Finance (Pension) Department, dated 21.05.2012.

2.The grievance of the petitioner is that her father G.Senthil Velmurugan was appointed in the erstwhile State Transport Department as a Tradesman on 18.02.1958 and he was also regularised in the said service. Her father was retired from service on 31.01.1996, after attaining the age of superannuation and subsequently he died on 14.11.2008. Her father was entitled for pension as he had put in more than 10 years of service, for the Government Order in G.O. Ms. No.42, Transport (RW) Department, dated 27.05.2005 grants pension, if an employee had put in the qualifying service of 10 years on 01.04.1982. By virtue of the above said G.O., her father became eligible to receive pension from 01.04.1982 and the arrears of pension with effect from 01.01.1988, as per Pension Payment Order No.A561454 and he received the pension till his death i.e. upto 14.11.2008. After the death of petitioner's father, her mother would have become eligible to receive family pension, if she had been alive at the time of death of her father. But she had pre-deceased her father on 13.07.2001. Now, the petitioner is a widow and her husband expired on 29.05.2004 prior to the death of her father. After the death of her husband, she was taken care of by her father. The above said G.Os. clearly states that a widow daughter, who is aged about 25 years and above and unemployed, is eligible to receive family pension till her life time. Since the petitioner being a widow daughter, is eligible to get family pension, based upon the above said G.O. Ms.No.325 Finance (Pension) Department, dated 28.11.2011 and G.O. Ms. No.165 Finance (Pension) Department, dated 21.05.2012, she has made various representations to the respondents. As there is no response, she is before this Court.

3.Heard the learned counsel appearing for the petitioner, Mr.S.Gunasekaran, learned Additional Government Pleader appearing for R1 and Mr.V.Udayakumar, learned counsel appearing for R2.

4.Considering the fact that the petitioner's husband died on 29.05.2004 and she has also given a representation dated 25.01.2016, the same needs to be considered as she is a widow. Therefore, the respondents are directed to consider the petitioner's representation and pass orders, on merits and in accordance with law, in the light of above said G.Os., within a period of eight weeks from the date of receipt of a copy of this order.

5.With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

vga

To

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

2.Managing Director, Metropolitan Transport
Corporation (Chennai) Ltd.,
(Old Pallavan Transport
Corporation Ltd.)
Pallavan Salai, Chennai-600 002.

1 cc to Mr.V.S.Jagadeesan, Advocate, sr.26952

1 cc to Mr.V.Udayakumar, Advocate, sr.26915

W.P. No.16097 of 2016

kk co
kra 25.05.2016

सत्यमेव जयते
WEB COPY