

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.32828 of 2016

P.Saroja

... Petitioner

vs.

1.The Secretary to Government,
Transport Department (R.W.1),
Secretariat, Chennai-9.

2.The Managing Director,
Metropolitan Transport Corporation
Limited,
Pallavan Illam, Anna Salai,
Chennai-2.

3.The Accountant General,
Tamil Nadu, Anna Salai,
Chennai-18.

4.The Regional Provident Fund
Commissioner,
Employees Provident Fund
Organization,
No.3, Rajaji Salai,
Tambaram, Chennai-45.

.... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents 1 to 3 to sanction Government Family Pension with effect from 10.3.2013 as per GO.189 Transport (RW1) Department dated 13.8.2004 and also pay arrears of family pension within a time frame.

For Petitioner : Mr.N.Sundaramurthy
For Respondents : Mr.A.Zakir Hussain,
Govt. Advocate,
for R.1, 3 and 4
Mr.P.Kannan Kumar,
for R.2

ORDER

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

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents 1 to 3 to sanction Government Family Pension with effect from 10.3.2013 as per G.O.189 Transport (RW1) Department dated 13.8.2004 and also pay arrears of family pension within a time frame.

3. It is the case of the petitioner that her husband was appointed as Timekeeper on 14.8.1964 in the respondent corporation. Thereafter, he was promoted to the post of Traffic Inspector on 1.1.1985 and he retired from service on 31.7.1997 after completing 22 year of service. Vide pension payment order A551640, he was receiving pension till his death i.e., on 3.3.2013. After his death, the petitioner has been paid the EPF pension of Rs.1,000/- only. Since her husband was the Government Pensioner, she is entitled to Family pension from the date of death of her husband as per G.O.189 Transport (R.W.1) Department dated 13.8.2004, which extended the benefits of the family pension to the spouses of similarly placed pensioners of Tamil Nadu State Transport Department. In this regard, she sent a representation dated 19.9.2014 to the respondents 1 and 2 requesting them to sanction family pension. Since the same was not considered so far, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate, who has taken notice on behalf of the respondents 1, 3 and 4 and the learned counsel, who has taken notice on behalf of the second respondent.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the petitioner to send a fresh representation to the respondent 1 to 3 seeking family pension, along with a copy of this order, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondents 1 to 3 are directed to consider the same and pass appropriate orders, on merits and in accordance with law, within a period of six weeks thereafter. It is made clear that this Court has not expressed any opinion with regard to the claim projected by the petitioner and it is for the respondents 1 to 3 to consider the claim of the petitioner strictly

on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar

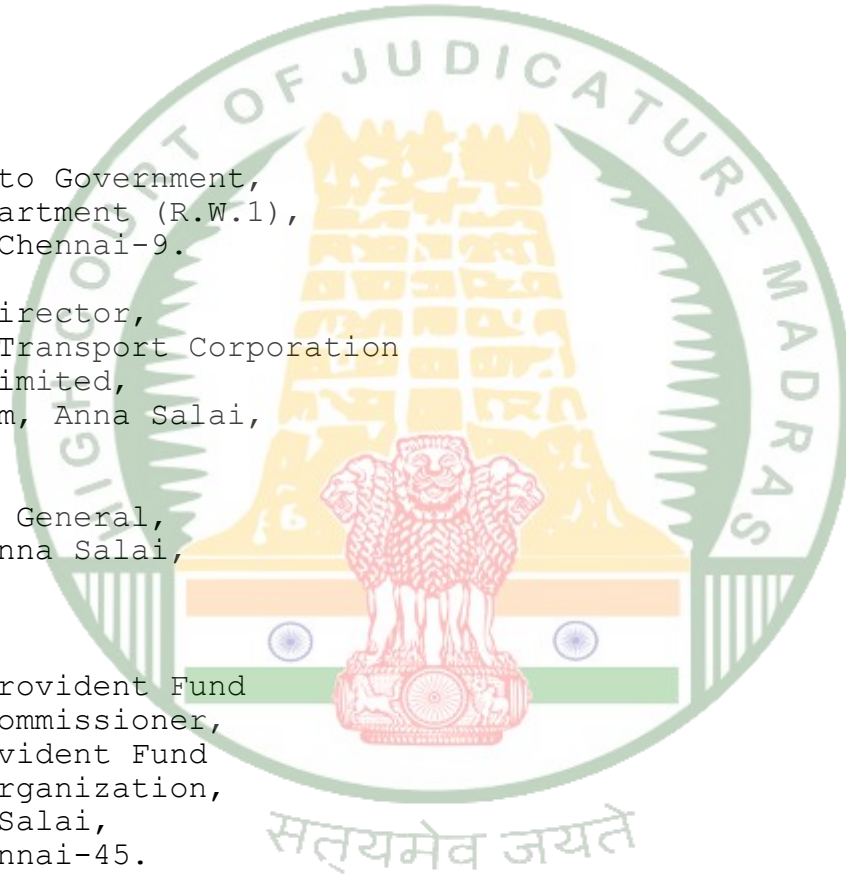
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Sub Asst. Registrar

sbi

To

- 1.The Secretary to Government,
Transport Department (R.W.1),
Secretariat, Chennai-9.
- 2.The Managing Director,
Metropolitan Transport Corporation
Limited,
Pallavan Illam, Anna Salai,
Chennai-2.
- 3.The Accountant General,
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- 4.The Regional Provident Fund
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No.3, Rajaji Salai,
Tambaram, Chennai-45.



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+1 CC to M/S.N.Sundaramurthy, Advocate SR.No.53369

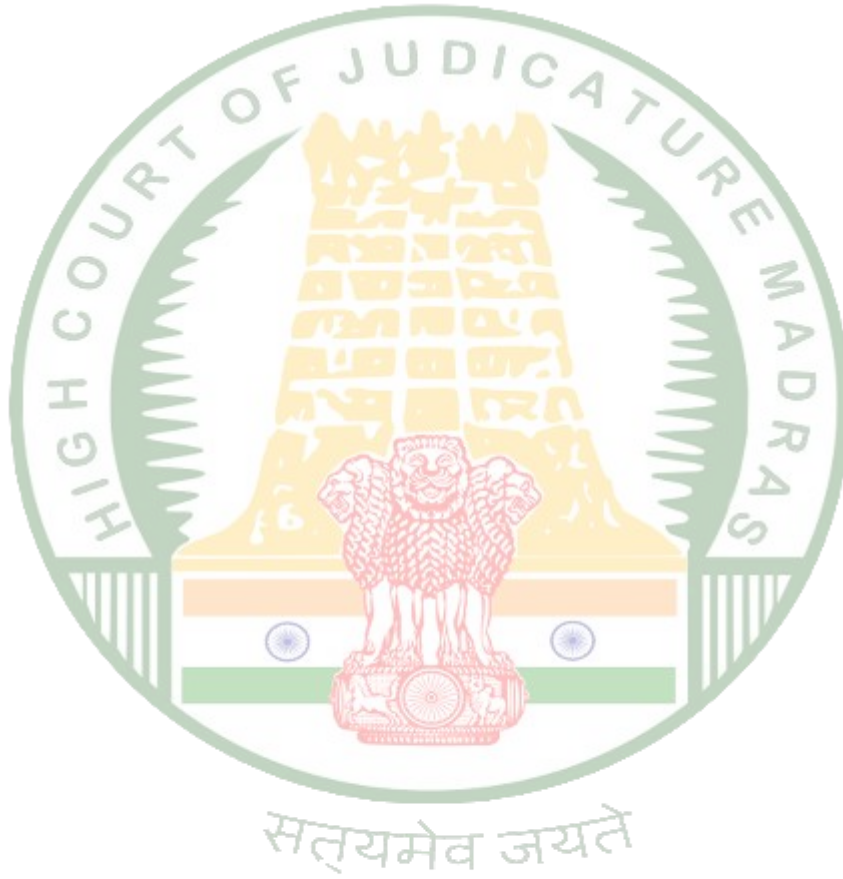
+1 CC to M/S.P.kannanKumar, Advocate SR.No.53620

+1 CC to The Government Pleader, SR.No.53466

CO-RP

ths : 18.10.2016

W.P.No.32828 of 2016



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