

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.34839 of 2016

Tmt. S.Saraswathi

... Petitioner

vs.

1. The Secretary to Government,
Transport Department (R.W.1),
Secretariat, Chennai - 600 009.
2. The Managing Director,
Metropolitan Transport Corporation Ltd.
Pallavan Illam, Anna Salai,
Chennai - 600 002.
3. The Accountant General,
Tamil Nadu, Anna Salai,
Chennai - 600 018.
4. The Regional Provident Fund
Commissioner,
Employees Provident Fund Organisation,
No.3, Rajaji Salai,
Tambaram, Chennai - 600 045.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, to direct the first, second and third respondents to sanction Government Family Pension with effect from 25.01.2014 as per G.O.Ms.No.189, Transport (R.W.1), Department dated 13.08.2004 and also pay arrears of family pension within a time frame.

For Petitioner : Mr.N.Sundaramurthy

For Respondents : Mr.R.Venkatesh
Government Advocate - R1

: Mr.P.Kannan Kumar
Standing Counsel - R2

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 Writ of Mandamus, to direct the first, second and third respondents to sanction Government Family Pension with effect from 25.01.2014 as per G.O.Ms.No.189, Transport (R.W.1), Department dated 13.08.2004 and also pay arrears of family pension within a time frame.

3. It is the case of the petitioner that the husband of the petitioner was appointed as Tradesman on 29.07.1968 in the erstwhile Tamil Nadu State Transport Department. On formation of new corporation in the name of Pallavan Transport Corporation, he was deputed there and absorbed in the Transport Corporation on 01.05.1975 and subsequently, promoted as Senior Tradesman and retired from service on 31.01.1997 on attaining superannuation. From 31.01.1997, he received pension vide Pension Payment Order 077471/TPT till his death on 25.01.2014. After his death, the petitioner has been receiving E.P.F pension of Rs.1000/-, which is insufficient to meet her medical expenses. Since her husband was Government Pensioner, she is entitled to family pension from the date of death of her husband, i.e., on 25.01.2014 as per G.O.Ms.No.189, Transport (R.W.1) Department dated 13.08.2004. Hence, the petitioner made a representation dated 18.12.2014 to the respondents 1, 2 and 4 for sanctioning Government Family Pension and revealed her willingness to forgo the E.P.F. Family pension now being paid by the 4th respondent. But, there was no response from the respondents. Hence, the petitioner has come forward with the present writ petition.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the first respondent and the learned counsel for 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 give fresh representation along with a copy of the order to the respondents 1 and 2, 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 and 2 are directed to dispose of the said representation on merits and in accordance with law, within a period of four weeks thereafter.

6. With the above direction, this petition is disposed of. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

mrp
To

1. The Secretary to Government,
Transport Department (R.W.1),
Secretariat, Chennai - 600 009.
2. The Managing Director,
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Tambaram, Chennai - 600 045.

+1 cc to M/s.P.Kannan Kumar Advocate sr 57378
+1 cc to M/s.N.Sundaramurthy Advocate sr 56819
+1 cc to Government Pleader sr 57177

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