

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 16.12.2016

Coram

The Honourable Mr. JUSTICE M.SATHYANARAYANAN

Writ Petition No.42742 of 2016

and W.M.P.No.36668 of 2016

K.Rukmani

... Petitioner

-Vs-

The General Manager,
Metropolitan Transport Corporation (Chennai) Limited,
Pallavan House, Anna Salai,
Chennai - 600 002

... Respondents

Writ Petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the proceedings in Letter No.21240/PoThaA/ MaPoKa/2015 dated 13.08.2015 on the file of the respondent herein quash the same and direct the respondent to issue the family pension in favour of the petitioner.

For Petitioner : Mr.M.Senthilkumar

For Respondents : Mr.P.Paramasivadoss
Standing Counsel for Transport
Corporation.

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O R D E R

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

2. The petitioner would claim that her husband G.Krishnamurthy was employed in the service of respondent Transport Corporation as Senior Welding Technician and retired

from service 28.02.1999 and he received pension and died on 21.10.2011 and thereafter, according to the petitioner, she the petitioner is eligible to receive family pension. The petitioner in this regard has also approached the respondent in person and she was directed to produce the death certificate as well as the legal heirship certificate and she applied before the Tahsildar, Tambaram. After verification, the legal heir certificate dated 02.03.2012 was issued stating that the petitioner and her son Venkatesan are the legal heirs of late G.Krishnamurthy and the same was also submitted. The respondent credited the pension in the petitioner's bank account of Indian Overseas Bank, Tambaram West Branch from the month of November, 2011, however, all of a sudden, stopped crediting the family pension in the bank account with effect from December, 2012 onwards. The petitioner, in this regard, made personal representation and sought information under the Right to Information Act as to the reason for stoppage of family pension and by impugned communication dated 13.08.2015, the respondent has informed that as per the nomination in the service record book, the name of one Vijaya finds place and though the petitioner was call upon to offer explanation, she has failed to do so and in the absence of any explanation, a decision has been taken to stop the family pension and accordingly, it was stopped from December 2012.

3. Learned counsel for the petitioner would submit that admittedly before stopping the family pension, the petitioner was not put on any notice and no opportunity was given to her and therefore, prays for interference of this Court.

4. Per contra, Mr.P.Paramasivadoss, learned counsel appearing for the respondent, on instruction, would submit that in the nomination of the service record book, the name of one Vijaya finds place and a fair decision has been taken to stop the family pension and after getting necessary clarification from Tmt.Vijaya as well as from the petitioner, appropriate orders will be passed for payment of family pension to the eligible person.

5. This Court has considered the rival submission and also perused the materials available.

6. In the light of the stand taken by the respondent, the writ petition is disposed of and the respondent is directed to send a communication to the petitioner as well as to Tmt.Vijaya with regard to the stoppage of family pension and after eliciting response, is directed to pass orders within a period

of ten weeks in accordance with law from the date of receipt of a copy of this order and communicate the decision taken to the petitioner as well as to Tmt.Vijaya. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vs

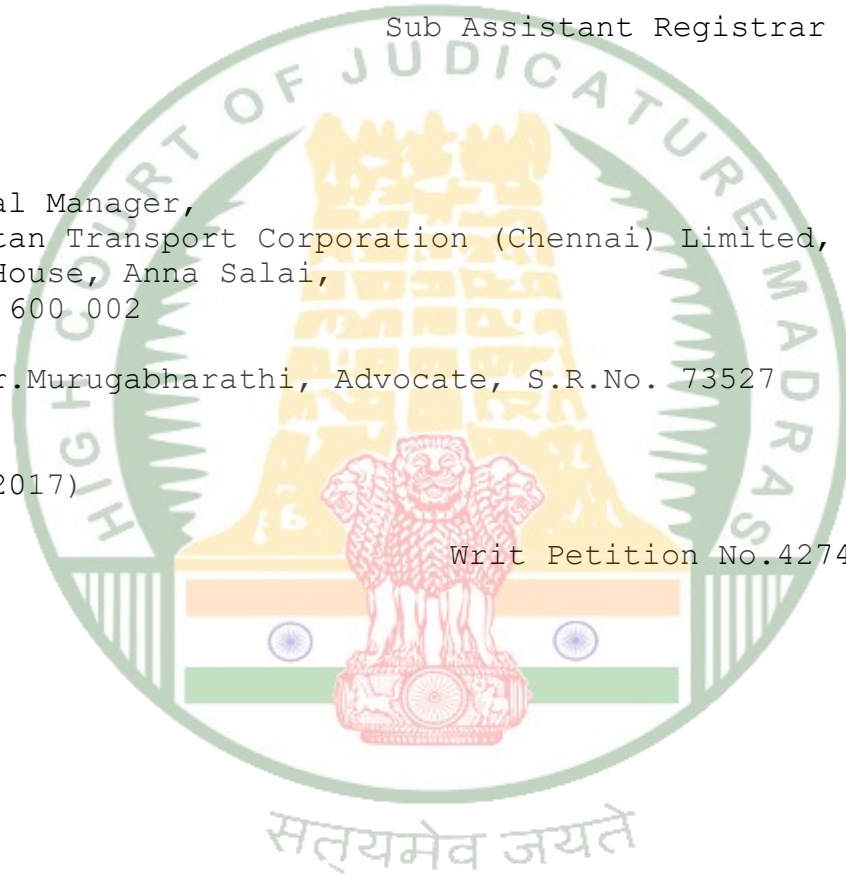
To

The General Manager,
Metropolitan Transport Corporation (Chennai) Limited,
Pallavan House, Anna Salai,
Chennai - 600 002

+lcc to Mr.Murugabharathi, Advocate, S.R.No. 73527

PK(CO)
RS(18/01/2017)

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