

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2016

CORAM

THE HON'BLE Mr. JUSTICE M.SATHYANARAYANAN

W.P.No.43056 of 2016

M.Sasikala

...Petitioner

-Vs-

1. The Secretary to the Government,
Finance Department,
Government of Tamil Nadu,
Fort St.George, Chennai - 600 009.

2. Regional Provident Fund Commissioner,
Employees Provident Fund Organisation,
No.3875, Dr.Baasundaram Road,
P.N.Palayam,
Coimbatore - 641 018.

...Respondents

Writ petition is filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to pass necessary order granting family pension to the petitioner on par with the six similarly placed family pensioners governed under the order of Hon'ble High Court of Madras dated 8.8.2011 made in W.P.No.3068/2010 and further direct the 2nd respondent to stop/ discontinue the monthly EPF Pension paid to the petitioner.

For Petitioner : Mr.N.Vanaraj

For Respondents: Mr.K.Dhananjeyan,
Special Government Pleader for R1.

O R D E R

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

2. The petitioner would state that her husband, Mr.A.P.M.Mathivanan, joined as Government employee on 09.04.1965 in the Department of Industry and Commerce, Chennai-5, and subsequently, got permanently absorbed in Tamil Nadu Small Industries Corporation Ltd., and retired from service on 03.05.1991. The petitioner's husband, after his retirement was receiving pension from the Government of Tamil Nadu and

subsequent to his demise, the petitioner was receiving family pension from the E.P.F. authorities. The petitioner further states that persons similarly placed had approached this Court by filing writ petitions in W.P.Nos.3067 and 3068 of 2010 seeking family pension in respect of the employees who were permanently absorbed in State Public Sector Undertakings in terms of Rule 49 of the Pension Rules, 1948 and those writ petitions were ordered on 08.08.2011 and challenging the same, Writ Appeal in W.A.Nos.2683 and 2684 of 2012 were filed and by judgment dated 07.12.2012 both the appeals were dismissed so also, the S.L.P. preferred before the Honourable Supreme Court. The petitioner, in this regard, submitted a representation dated 04.08.2016. In spite of receipt of acknowledgement, no order was passed. Hence, the petitioner came forward to file this writ petition.

3. Heard the submission of the learned counsel for the petitioner and Mr.K.Dhananjeyan, learned Special Government Pleader, who accepts notice on behalf of the first respondent.

4. Though the petitioner prays for a larger relief, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in his representation or in the writ petition, directs the first respondent to consider and dispose of the petitioner's representation dated 04.08.2016 on merits and in accordance with law and pass orders 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. The writ petition is disposed of accordingly. No costs.

Sd/-

Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

vsi

To

1. The Secretary to the Government,
Finance Department,
Government of Tamil Nadu,
Fort St.George, Chennai - 600 009.

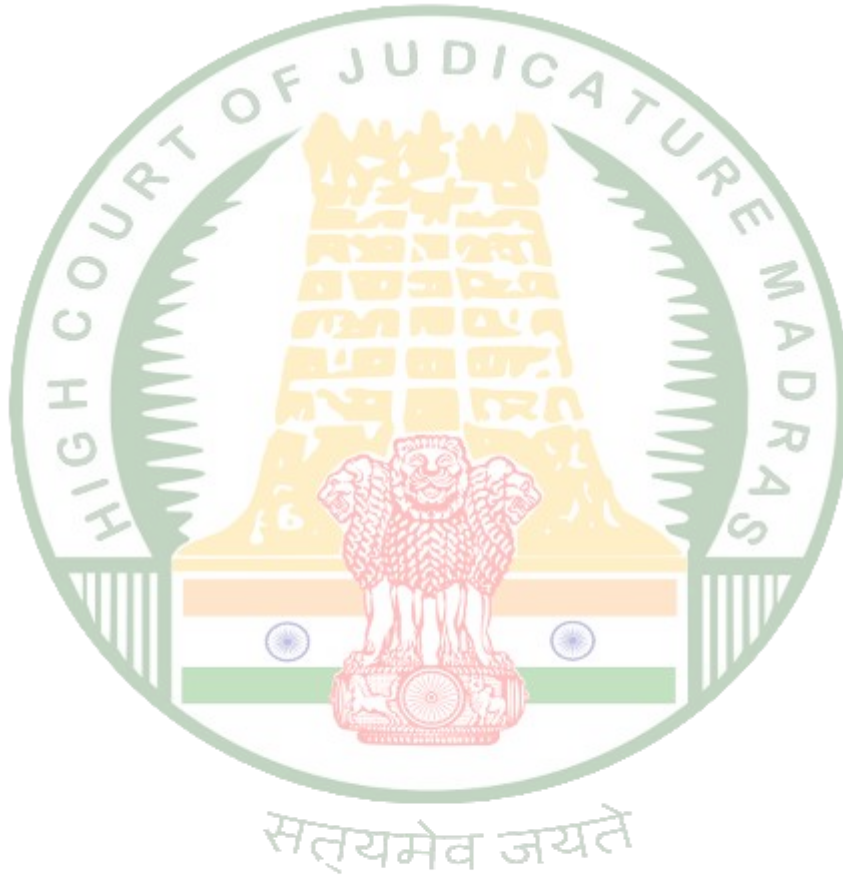
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2. Regional Provident Fund Commissioner,
Employees Provident Fund Organisation,
No.3875, Dr.Baasundaram Road,
P.N.Palayam,
Coimbatore - 641 018.

1 cc to Mr.N. Vanaraj, Advocate, Sr. 72499
1 cc to Government Pleader, Sr. 72984

W.P.No.43056 of 2016

NM (CO)
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