

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.9312 of 2016

G.Kamala

..Petitioner

-vs-

1. The Government of Tamil Nadu
rep by the Principal
Secretary to Government
Transport Department
Fort St.George
Chennai 600 009
 2. The Managing Director
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
No.3/137, Salamedu
Veludha Reddy Post
Villupuram 605 602
 3. The General Manager
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Kancheepuram Regional Office
Karapettai
Bangalore Highway
Kancheepuram
 4. The Commissioner
Employees Provident Fund
Regional Office
No.20, Royapettah High Road
Chennai 600 014
- ..Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to pay the family pension to the petitioner including the arrears with interest at the rate of 12% per annum payable from 30.01.1994 within the time that may be stipulated by this Hon'ble Court by considering and passing orders on the representation of the petitioner dated 06.05.2015.

For Petitioner:: Mr.K.Selvaraj

For Respondents:: Mr.A.Kumar

Special Government Pleader for R1

Mr.P.Paramasivadoss for R2 & R3
No appearance for R4

ORDER

Heard Mr.K.Selvaraj, learned counsel for the petitioner. Mr.A.Kumar, learned Special Government Pleader takes notice on behalf of the first respondent and Mr.P.Paramasivadoss, learned standing counsel takes notice on behalf of the respondents 2 & 3.

2. The prayer in the writ petition is for issuance of a writ of mandamus directing the respondents to pay the family pension to the petitioner including the arrears with interest at the rate of 12% per annum payable from 30.01.1994 within the time that may be stipulated by this Hon'ble Court by considering and passing orders on the representation of the petitioner dated 06.05.2015.

3. The case of the petitioner is that her late husband viz., L.Ganesan was appointed as a Conductor in the erstwhile Tamil Nadu State Transport Department on 31.8.67 and was permanently absorbed in the Tamil Nadu State Transport Corporation (Metro) Limited with effect from 1.5.75 on formation of various new Transport Corporations. Thereafter, he was transferred to Pattukkottai Azhagiri Transport Corporation Limited on 1.4.82 and to Tamil Nadu State Transport Corporation (Villupuram) Limited, the respondents 2 & 3 herein on 1.4.92 and allotted the Staff No.60157. While he was in service, the petitioner's husband died on 29.1.94. Therefore, now the grievance of the petitioner is that she has given a representation dated 6.5.2015 to the first respondent for granting family pension under the Tamil Nadu Pension Rules to the petitioner from 30.1.94 including the arrears with interest at the rate of 12% per annum within the time stipulated by this Court. As the said representation has not been considered, she has come to this Court.

4. Learned standing counsel appearing for the respondents 2 & 3 also submitted that the issue raised in the present writ petition is covered by the orders passed by this Court in W.A.No.1246 of 2009 dated 18.8.2010 and followed in W.P.No.11369 of 2015 dated 20.4.2015 (K.Kasthuri v. The State of Tamil Nadu represented by its Secretary, Transport Department and others) and therefore sought for eight weeks time to consider the representation of the petitioner.

5. This Court, taking into consideration the limited scope of prayer sought for by the petitioner and without going into the merits of the matter, hereby directs the first respondent to consider the representation dated 6.5.2015 submitted by the petitioner and pass orders, in the light of the orders passed by

this Court in W.A.No.1246 of 2009 dated 18.8.2010 and followed in W.P.No.11369 of 2015 dated 20.4.2015, within a period of eight weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ss

To

1. The Principal Secretary to Government
Transport Department
Fort St.George
Chennai 600 009
2. The Managing Director
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4. The Commissioner
Employees Provident Fund
Regional Office
No.20, Royapettah High Road
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- + 1 cc to Government Pleader Sr.23899
+ 1 cc to MR.P. Paramasiva Doss, Advocate Sr.23940
+ 1 cc to Mr.K. Selvaraj, Advocate Sr.23756

W.P.No.9312 of 2016

PUR(CO)
Eu 29.4.16