

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2016

CORAM:

THE HONOURABLE Mr. JUSTICE T.RAJA

W.P. No.9612 of 2016

G.Gomathi

... Petitioner

-Vs-

1.The State of Tamil Nadu,
rep. by its Secretary,
Transport Department,
Secretariat, Chennai-600 009.

2.Metropolitan Transport Corporation Ltd.,
(Old Pallavan Transport Corporation Ltd.),
rep. by its Managing Director,
Pallavan Salai, Chennai-600 002.

3.The Commissioner,
Employees Provident Fund,
Regional Office,
No.20, Royapettah High Road,
Chennai-600 014.

... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the first respondent to grant Family Pension and for payment of arrears of Family Pension to the petitioner from 12.01.2003, the day following the date of the death of the petitioner's husband by following the judgments in W.A. No.1246 of 2009 dated 18.08.2010 and in W.P. No.33975 of 2005 dated 20.09.2011 and in W.P. No.35674 of 2005 dated 20.09.2011 and in W.P. Nos.18866, 18887, 19394 to 19396 of 2014 dated 27.08.2014 and in W.P. Nos.25880, 25881 of 2015 dated 20.08.2015.

For petitioner : Mr.V.S.Jagadeesan

For respondents : Mr.S.Gunasekaran,
Additional Government Pleader
for R1

Mr.V.Udaya Kumar for R2

ORDER

The petitioner, G.Gomathi, whose husband, served as a Tradesman from 07.03.1967 and retired on attaining the age of superannuation i.e. on 31.07.1998 and subsequently passed away on 11.01.2003, has come to this Court, seeking direction to the first respondent to grant Family Pension and payment of arrears of Family Pension from 12.01.2003, by following the judgment in W.A. No.1246 of 2009 dated 18.08.2010 and orders in W.P. No.33975 of 2005 dated 20.09.2011, W.P. No.35674 of 2005 dated 20.09.2011, W.P. Nos.18866, 18887, 19394 to 19396 of 2014 dated 27.08.2014 and in W.P. Nos.25880, 25881 of 2015 dated 20.08.2015.

2.In view of the judgment passed by this Court in W.A. No.1246 of 2009 dated 18.08.2010 in the case of A.Loganayaki, wife of late C.Ananatha Krishnan vs. the Secretary to Government, Transport Department and two others, which has been affirmed by the Apex Court in S.L.P. CC 8381/2011 dated 13.05.2011, the petitioner has made a representation on 14.12.2015. But the said representation to grant family pension and payment of arrears of family pension from 12.01.2003, has not been considered. Therefore, she is before this Court.

3.Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the first respondent and the learned Standing Counsel appearing for the second respondent.

4.A perusal of the the letter No.29383/TBC-1/2007 dated 30.04.2008 passed by the Transport Department, Secretariat, Chennai, shows that the petitioner's husband was receiving pension.

5.Considering the facts and circumstances of the case, without going into the merits of the same, this Court directs the first respondent to consider the petitioner's representation dated 14.12.2015, on merits and in accordance with law, in the light of the judgment passed by this Court in W.A. No.1246 of 2009 dated 18.08.2010, within a period of eight weeks from the date of receipt of a copy of this order.

6.With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

vga

To

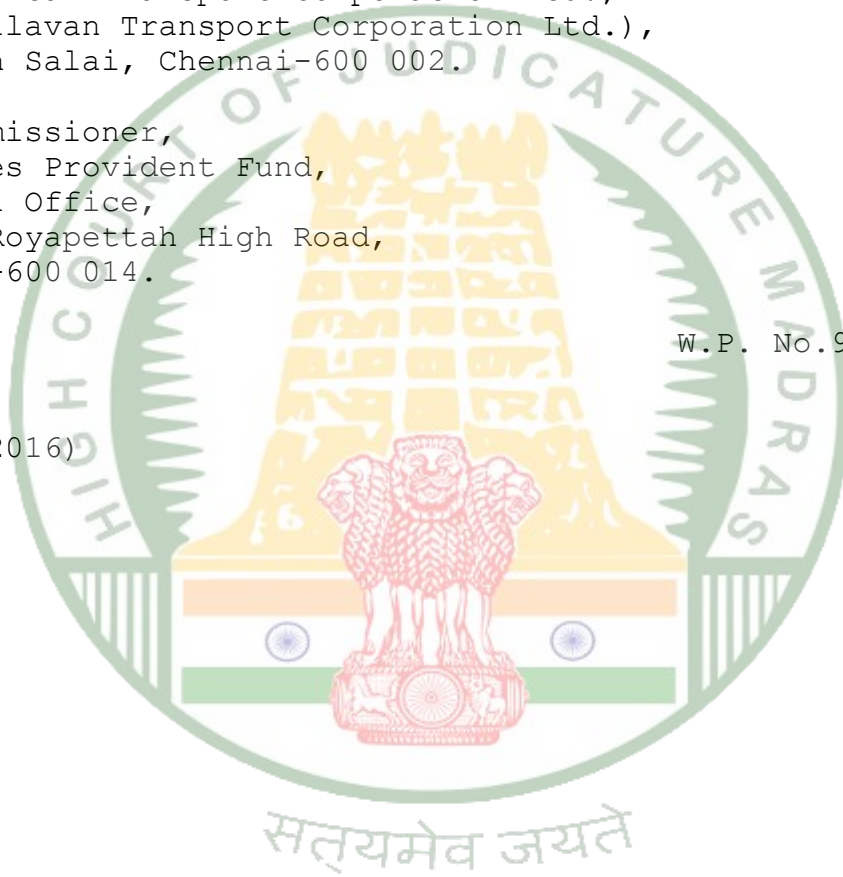
1.The Secretary,
State of Tamil Nadu,
Transport Department,
Secretariat, Chennai-600 009.

2.The Managing Director,
Metropolitan Transport Corporation Ltd.,
(Old Pallavan Transport Corporation Ltd.),
Pallavan Salai, Chennai-600 002.

3.The Commissioner,
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KK (CO)
CA(13/04/2016)



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