



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 05.08.2016
CORAM

THE HONOURABLE MR. JUSTICE T. RAJA

W.P(MD).No.14200 of 2016

Tmt.Muthulakshmi

... Petitioner

Vs

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

2.The Managing Director,
Tamil Nadu State Transport Corporation
(Madurai) Ltd,
Bye-pass Road, Madurai-625 010.

3.The Administrator,
The Tamil Nadu State Transport Corporation,
Employees Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus direct the respondents to sanction and pay the family pension to the petitioner retrospectively with effect from 03.08.2013 with interest and other consequential monetary benefits.

For petitioner : M/s.M.Saravanakumar
For respondents : Mr.A.P.Muthupandiyan

ORDER

It is the case of the petitioner that her husband was an employee of the respondent Corporation and he retired from service on attaining the age of superannuation on 31.10.2003. Subsequently, the retirement benefits were given to the petitioner's husband. While so, the petitioner's husband expired on 02.08.2013 leaving behind the petitioner and two sons. The petitioner approached the respondents along with Death Certificate and Legal Heir Certificate with a request to disburse the family pension to her. Though the husband of the petitioner nominated the petitioner, the request of the petitioner was turned down by the respondent on the ground that in the Service Register of the petitioner's husband, it was stated that the petitioner is expired. Hence, the petitioner is before this Court.

2. Learned counsel for the petitioner submitted that when the husband of the petitioner submitted his nomination for family pension on 11.11.2013, in which, the petitioner was appointed as 'nominee', it is due to clerical error committed by the husband of the



petitioner, now, the petitioner is put to peril. Therefore, there is no impediment for the respondents to sanction the family pension.

3. Mr.A.P.Muthupandi, learned Standing Counsel after getting instruction from the respondents submitted that the petitioner shall approach the Deputy Manager of Provident Fund and Accounts, whereupon, the respondent will pass appropriate orders, within the time stipulated by this Court.

4. On the face of it, it is seen that there is clerical error committed by the husband of the petitioner in the Service Register maintained by the respondents. It is also seen that subsequently, on 11.11.2013, the petitioner's husband has nominated the petitioner as 'nominee' for the purpose of family pension. Therefore, there is no dispute over the factual aspect of the matter. Further, there is no rival claim and the respondent also does not dispute the claim of the petitioner.

5. In the light of the factual position, the following directions are issued:-

- (i) The petitioner along with her son, is directed to approach the Deputy Manager of Provident Fund and Accounts, on 10.08.2016, at 11.00 a.m along with the Death Certificate, Legal Heir Certificate and other documents, if any, to substantiate the case of the petitioner.
- (ii) On such appearance, if any other documents are required, the respondents shall put in black and white and communicate the same to the petitioner on 10.08.2016.
- (iii) In case there is no document required, then the respondents are directed to sanction the family pension to the petitioner retrospectively with effect from 03.08.2013 with all other benefits applicable to the petitioner, within a period of two weeks from the date of appearance of the petitioner before the Deputy Manager of Provident Fund and Accounts.

With the above direction, this Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar[AE]

/True copy/

Sub Assistant Registrar

ssm



To

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

2.The Deputy Manager of Provident Fund and Accounts,
Tamil Nadu State Transport Corporation
(Madurai) Ltd,
Bye-pass Road, Madurai-625 010.

3.The Managing Director,
Tamil Nadu State Transport Corporation
(Madurai) Ltd,
Bye-pass Road, Madurai-625 010.

4.The Administrator,
The Tamil Nadu State Transport Corporation,
Employees Pension Fund Trust,
Thiruvalluvar House, Pallavan Salai,
Chennai.

1cc to MR. M. SARAVANAKUMAR, ADVOCATE SR 42326
1CC TO THE SPL GOVT PLEADER SR: 42615

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