



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2016

CORAM

THE HON'BLE Dr.JUSTICE S.VIMALA

W.P(MD) No.17213 of 2016

and

WMP(MD) No.12498 of 2016

A.Felix Paulraj

... Petitioner

-vs-

1.The Tamilnadu State Transport
Corporation (Kumbakonam) Ltd.,
Rep.by its Managing Director,
Kumbakonam.

2.The General Manager,
Tamilnadu State Transport
Corporation (Kumbakonam) Ltd.,
Trichy Region, Trichy.

3.The Administrator,
Tamilnadu State Transport
Corporation,
Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai,
Chennai - 2.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order in Ref: TNSTC/KUM/TRY/SM 1427/2016 dated 02.05.2016 passed by the 2nd respondent and quash the same and consequently directing the respondents to accept the petitioner's nomination nominating his 2nd wife S.Anitha as his pension nominee to receive family pension and also other attendant benefits.

For Petitioner

: Mr.A.Rahul

For 3rd Respondent

: Mr.A.P.Muthupandian

Standing Counsel

<https://hcservices.ecourts.gov.in/HcservicePS/> For Respondents 1&2

: Mr.D.Sivaraman,
Standing Counsel

**ORDER**

This writ petition has been filed seeking to quash the impugned order dated 02.05.2016 passed by the second respondent and consequently direct the respondents to accept the nomination of the petitioner's second wife S.Anitha as his pension nominee.

2.Heard Mr.A.Rahul, learned counsel appearing for the petitioner. Mr.A.P.Muthupandian, learned Standing Counsel takes notice for the third respondent and Mr.D.Sivaraman, learned Standing Counsel takes notice for the respondents 1 and 2. By consent, the writ petition itself is taken up for final disposal at the admission stage.

3.The dates and events which are relevant to decide the issue involved in this writ petition is extracted hereunder for convenient reference:

28.09.2008	Petitioner's first wife M.Rosy died
31.07.2010	Petitioner retired from service
05.08.2013	Petitioner married one S.Anitha as his second wife
13.09.2013	Sworn affidavit cum declaration of the petitioner declaring the second wife S.Anitha as his nominee
24.12.2013	1 st respondent sought for legal guidance from the 2 nd respondent for accepting the nomination of the petitioner
21.01.2014	Letter from the 2 nd respondent directing the 1 st respondent to lodge records relating to death of petitioner's first wife and about his second marriage in the pension files
18.08.2015	Petitioner made representation under RTI Act to the public Information Officer of the 3 rd respondent corporation
10.09.2015	Reply received under RTI Act
16.02.2016	Representation to the 2 nd respondent
16.02.2016	Representation to the 1 st respondent
16.02.2016	Representation to the 3 rd respondent
02.05.2016	Impugned order of the 2 nd respondent

4.The second respondent in the impugned order dated 02.05.2016 has rejected the representation of the petitioner observing that there are no rules to effect changes in the nomination after retirement of a particular employee. This order is under challenge.

<https://hcservices.ecourts.gov.in/hcservices/>

5.The learned counsel for the petitioner relied upon Rule 31 of the Tamil Nadu State Transport Corporation Employees'



Pension Fund Rules, in which it has been specifically stated that nomination shall be obtained from the members once in five years by indicating the names of eligible family members. The learned counsel has also relied upon Rule 20 more particularly Rule 20(2) (f) of the said Rules, which reads as follows:

"20(2)(f). If a member is not married, he can nominate his father/mother to receive family pension, as in the case of spouse, and they are eligible for family pension till their lifetime. A member who is not having a family at the time of death can nominate a person to receive the family pension".

This provision is relied upon to show that there are rules permitting to effect changes in the nomination after retirement of the employee.

6. It is the case of the petitioner that excepting the second wife, there is no other eligible family members as per the said Rules.

7. The learned counsel for the respondents 1 and 2 would submit that the third respondent is the competent authority to pass orders.

8. Admittedly, the petitioner has stated in his representation dated 16.02.2016 that after the death of his first wife, he has married one Anitha as his second wife and he has produced necessary certificate, seeking nomination of his second wife as his pension nominee. Therefore, the writ petition is ordered. Consequently, either the second respondent or the third respondent, whoever is competent shall effect necessary entries in the pension payment order including the name of S. Anitha as pension nominee of the petitioner, as expeditiously as possible. No costs. Connected WMP(MD) No. 12498 of 2016 is closed.

Sd/
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

+1 cc to MR.A.RAHUL, Advocate Sr.No.51904

+1 cc to MR.D.SIVARAMAN, Advocate Sr.No.51699

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