

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.4043 of 2017

J.Devaki

... Petitioner

Vs.

1.Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
rep by its Managing Director,
Head Office, Salaimedu, Vazhudhareddi Post,
Villupuram - 605 602.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) (Division III) Ltd.,
Kancheepuram Region,
1 & 2, Shekpet Nadu Street,
Kancheepuram.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to pay family pension to the petitioner as per the provisions of Tamil Nadu State Transport Employees Pension Rules from the date it became due and payable with arrears of family pension forthwith and continue to pay the same every month.

For Petitioner : Mr.K.M.Ramesh

For Respondents : Mr.P.Paramasivadoss

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O R D E R

By consent, the Writ Petition is taken up for final disposal.

2.The petitioner would aver that her husband S.Jagadeesan was employed as Driver in Central Depot-I of the respondent Corporation. He was discharged from service, vide, order dated

29.07.1999 and challenging the same, he raised an industrial dispute under Section 2-A of the Industrial Disputes Act, 1947, which was taken in I.D.No.1/2000 on the file of the II Additional Labour Court, Chennai. The said Court, after adjudication, passed an Award on 22.01.2003 holding that non-employment of the petitioner's husband was not justified and directed his reinstatement in service with full backwages and the 2nd respondent Corporation made a challenge to the said Award by filing W.P.No.20605 of 2003 and during the pendency of the writ petition, her husband died due to peptic ulcer in a Private Hospital, Tambaram. The petitioner filed an application for substitution and it was also ordered and during the pendency of the Writ Petition pursuant to the interim order, the respondent Corporation was directed to deposit 50% of the arrears and on such deposit, the petitioner was permitted to withdraw 25% and accordingly, a sum of Rs.1,50,350/- was withdrawn. This Court, vide order dated 28.06.2011, partly allowed the said Writ Petition by modifying the Award and insofar as the backwages are concerned, restricted to 50% and confirmed the rest of the Award. Since the order has not been complied with, the petitioner filed Contempt Petition No.1028 of 2015 and vide order dated 22.04.2016, this Court has granted liberty to the petitioner to work out her remedy by invoking Section 33-C(2) of the Industrial Disputes Act, 1947.

3.Mr.K.M.Ramesh, learned counsel appearing for the petitioner would submit that the petitioner apart from the other benefits, is also entitled to get family pension from the date of demise of her husband and in this regard, she has also submitted a representation and she was called upon to submit relevant documents and she had submitted the same and so far, no orders have been passed and hence, came forward to file this Writ Petition.

4.Heard the submissions of the learned counsel appearing for the petitioner and Mr.P.Paramasivadoss, who accepts notice for the respondents 1 & 2.

5.Though the petitioner prays for larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, permits the petitioner to submit a reminder/representation for conferment of benefits of the family pension within a period of two weeks from the date of receipt of a copy of this order to the respondents and upon receipt of the same, the respondents are directed to consider and pass orders on merits and in accordance with law, within a further period of eight weeks thereafter and communicate the decision taken, to the petitioner.

6.The Writ Petition is disposed of accordingly. No costs.

sd/
Assistant Registrar

/true copy/

Sub Assistant Registrar

To

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Head Office, Salaimedu, Vazhudhareddi Post,
Villupuram - 605 602.

2.The General Manager,
Tamil Nadu State Transport Corporation
(Villupuram) (Division III) Ltd.,
Kancheepuram Region,
1 & 2, Shekpet Nadu Street,
Kancheepuram.

+1cc to Mr.K.M.Ramesh, Advocate SR.No.10397

+1cc to Mr.P.Paramasivadosh, Advocate SR.No.10688

GN(24/02/2017)

W.P.No.4043 of 2017

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