

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.1053 of 2017

Mrs.S.Saroja

.. Petitioner

vs.

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

2.The Managing Director,
State Express Transport Corporation,
(Old Name Thiruvallur Transport Corporation),
Pallavan Salai, Chennai-600 002.

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

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for 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 08.04.2014, the day following the date of 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.No.11372 of 2016 dated 20.04.2015 and in W.P.No.25880, 25881 of 2015 dated 20.08.2015 etc., and to pass such further orders.

For Petitioner : Mr.V.S.Jagadeesan

For Respondents : Mr.P.Sanjai Gandhi,
Additional Government Pleader for R1

Mr.P.Kannan Kumar
Standing Counsel for R2

O R D E R

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

2. The petitioner would state that her husband was appointed as a Clerk in the erstwhile State Transport Corporation on 01.08.1959 and his service was also regularized and subsequently, on formation of various new Transport Corporations on 01.01.1972, the petitioner's husband was absorbed in the second respondent herein and he was allotted with Staff No.A0358 and he retired on 28.02.1994 on attaining the age of superannuation and he died on 07.03.2014. It is further averred by the petitioner that her husband, while in service, was contributing to Employees Family Pension Scheme, 1995 till he attained superannuation and he was also receiving pension under EPF Scheme till his death and after his demise, the petitioner was receiving a sum of Rs.550/- as Family Pension under EPF Scheme, 1995 and since it is a very meager amount, she find it extremely difficult to maintain herself and family. The grievance expressed by the petitioner is that pensionary benefits has not been conferred upon her husband till his demise and as per G.O.Ms.No.42, Transport (RW) Department dated 27.05.2005, cut off date in respect of eligibility to get pension was fixed as 01.04.1982 and as such, the petitioner's husband became eligible to get pension and pension was also paid to him as per Pension Payment Order No.A561265 and he received pension till his demise and after his demise, though the petitioner is also entitled to get Family Pension with effect from the date of death of her husband i.e., 8.03.2014, it has not been paid and hence, she came forward with this writ petition.

3. The learned counsel appearing for the petitioner would submit that in compliance of the order dated 11.02.2004 passed in W.P.No.19585 of 2003, the Government came forward to issue G.O.Ms.No.189, Transport (RW1) Department dated 13.08.2004, conferring the benefit of Family Pension to the spouses of all the employees of the State Transport Department and further drawn the attention of this Court to the judgment dated 18.08.2010 made in W.A.No.1246 of 2009 [A.Loganayaki v. The Secretary to Government, Transport Department, Chennai-9 and 3 others], as well as the order dated 27.08.2014 made in W.P.Nos.18886 of 2014 etc., batch [Y.Sakunthala and Others v. Secretary to Government, Transport Department, Chennai-9 and Others], order dated 20.04.2015 made in W.P.No.11372 of 2015 [N.Saroja v. The State of Tamil Nadu, rep by its Secretary, Transport Department, Chennai-9 and Others] and the order dated 20.08.2015 made in W.P.No.25880 and 25881 of 2015 [Mrs.C.Munirathinam and another v. The State of Tamil Nadu, rep

by its Secretary, Transport Department, Chennai-9 and Others]and prays for appropriate orders.

4. Heard the submissions of Mr.P.Sanjaygandhi, learned Additional Government Pleader who accepts notice on behalf of the first respondent and Mr.P.Kannan Kumar, learned Standing Counsel who accepts notice on behalf of the second respondent and also perused the materials placed before it.

5. A perusal of the materials placed would indicate that in terms of G.O.Ms.Nos.189 and 42 of the first respondent dated 13.08.2004 and 27.05.2005 respectively, erstwhile employees of the Tamil Nadu State Transport Corporation, who have put in 10 years of service from the date of their permanent absorption, are entitled to pension and even otherwise, the husband of the petitioner was in receipt of pension till his demise and as such, the petitioner is also entitled to receive the same after the demise of her husband.

6. In the light of the above facts and circumstances, this Court directs the first respondent to consider and dispose of the petitioner's representation dated 12.04.2016, in the light of the observations made above and pass appropriate orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

7. This Writ Petition is disposed of accordingly. No costs.

sd/
Assistant Registrar

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Sub Assistant Registrar

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To

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

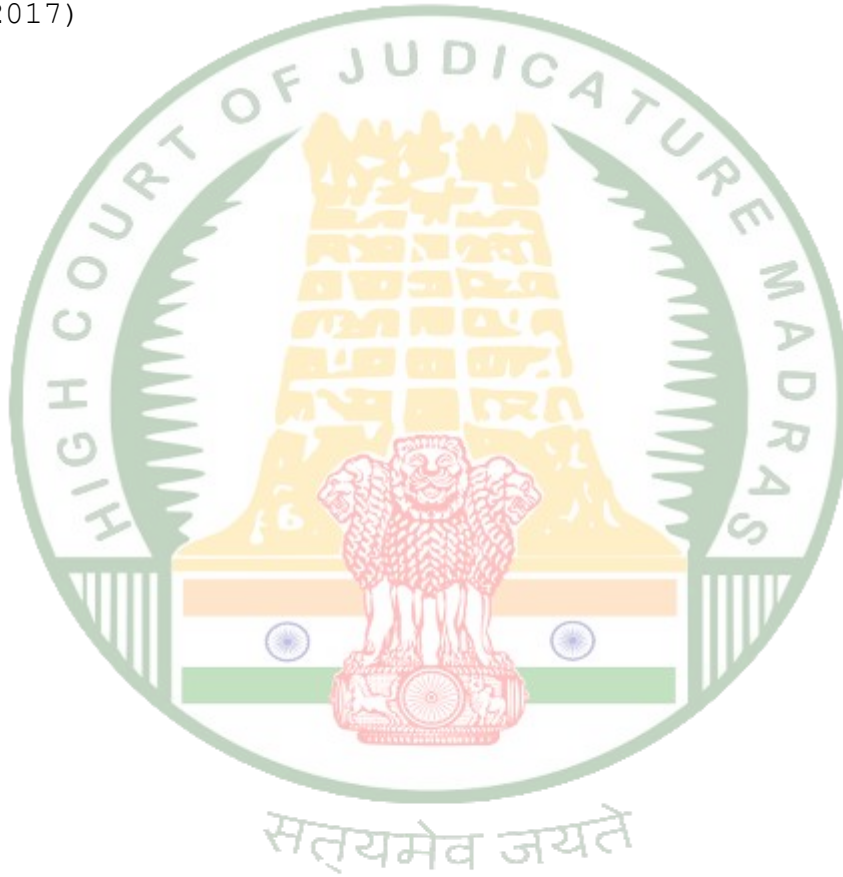
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