

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.09.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.32024 of 2016

P.Ratnabai

..Petitioner

Vs

1.The Secretary to Government
Transport Department (RW.1)
Secretariat, Chennai 600 009.

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

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

... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent and second respondent to sanction Government Family Pension as per GO.Ms.No.110, Transport Department dated 06.06.2002 and GO. Ms.No.189 Transport (RW.1) Department dated 13.08.2004 and also pay arrears of the Family Pension within a time frame.

For Petitioner : Mr.N.Sundaramurthy

For Respondents : Mr.S.GunaSekaran for R1
Additional Government Pleader
: Mr.P.Paramasivadosh for R2
: Mrs.Sangeetha Arunachalam

O R D E R

The relief sought for in this writ petition is for a direction, to direct the first and second respondents to sanction Government Family Pension as per GO.Ms.No.110,Transport

Department dated 06.06.2002 and GO.Ms.No.189, Transport (RW.1) Department dated 13.08.2004 and pay the Family Pension as well as the arrears.

2. The learned counsel appearing for the writ petitioner states that the husband of the writ petitioner late C.Perumal was appointed as Conductor in the State Transport Corporation on 29.10.1964, and his services were regularized with effect from on 14.07.1966, he was absorbed in the erstwhile Pallavan Transport Corporation 01.05.1975 and promoted to the post of Checking Inspector. On bifurcation of the writ petitioner and he was transferred to Dr.Ambedkar Transport Corporation, Chennai. Thereafter, he was retired from service on 31.05.1996. On attaining the age of superannuation, the husband of the writ petitioner had completed about 32 years unblemished service. At the time of his retirement, there was no pension scheme in Transport Corporation.

3. Accordingly, the husband of the writ petitioner was receiving EPF Pension 1995 in Vide PPO No.TN/MAS/5017/24327 from the third respondent. The husband of the writ petitioner passed away on 04.10.2002 and the Transport Department paid arrears of the Government pension from the date of death as per the G.O.42 Transport (R.W.1) Department dated 27.05.2005. Accordingly, the writ petitioner is now receiving the EPF Family Pension of Rs.1000/- (Rupees One Thousand Only) per month. The learned counsel urged this Court that the writ petitioner is unable to survive with the meagre amount of Rs.1000/- per month of EPF Family Pension. However, the writ petitioner is entitled to get the Family Pension under the Tamil Nadu Pension Rules for the services rendered in the erstwhile State Transport Department. In this regard, the Hon'ble Division Bench of this Court passed an order dated 18.08.2010 in W.A.No.1246 of 2009. The Court held that the service rendered with the State of Transport Department to be taken into account for the purpose of sanctioning pension and family pension under the under the Tamil Nadu Pension Rules and accordingly, similarly placed persons are now receiving Family Pension as per the Judgment and as per the orders of the Government in this regard, the writ petitioner also made a representation to the respondents 1 and 2 on 29.07.2016. However, the same is kept pending without passing any orders.

4. Thus, the respondents 1 and 2 are directed to consider the representation submitted by the writ petitioner on 29.07.2016. In the light of the orders passed by the Hon'ble Division Bench of this Court on 18.08.2010 in W.A.No.1246 of 2009 and pass orders within a period of 12 weeks from the date of receipt of a copy of this order.

5. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

dna

To

1. The Secretary to Government
Transport Department (RW.1)
Secretariat, Chennai 600 009.
2. The Managing Director
Metropolitan Transport Corporation
(Chennai) Ltd.,
Pallavan House, Anna Salai
Chennai 600 002.
3. The Regional Provident Fund Commissioner
No.20, Royapettah High Road
Chennai 600 014.

+1cc to Mr.Sangeetha Arunachalam, Advocate Sr. 64785
+1cc to Mr.N.Sundaramurthy, Advocate Sr. 64801
+1cc to the Government Pleader Sr. 65469

सत्यमेव जयते

W.P.No.32024 of 2016

(CO)
VR(25/10/2017)

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