

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.02.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

WP.No.9614/2016

Mrs.S.Punithavathy

...Petitioner

Versus

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

2.The Managing Director,
Metropolitan Transport Corporation
[Chennai] Ltd., Pallavan Salai
Chennai 600 002.

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

...Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for issuance of writ of mandamus directing the 1st respondent to grant Family Pension to the petitioner with effect from 01.08.1988 based on the length of service the petitioner's husband had put in viz., 13 years 11 months and 12 days of service [from 20.07.1964 to 02.07.1978, i.e, from the date of appointment to the date of death] under the 1st respondent and pay the arrears of family pension as per G.O.S.No.42, Transport dated 27.05.2005, by following the judgments in WA.No.1246/2009 dated 18.08.2010, WP.No.33975/2005 dated 20.09.2011 and in WP.No.35674/2005 dated 20.09.2011 and in WP.Nos.18866, 18887, 19394 to 19396/2014 dated 27.08.2014 and in WP.No.11372/2015 dated 20.04.2015.

For Petitioner :	Mr.V.S.Jagadeesan
For R1 :	Mr.K.Dhananjayan, Spl.GP
For RR 2 & 3 :	Mr.P.Kannankumar

ORDER

By consent, the writ petition is taken up for final disposal.

2 The husband of the petitioner was appointed as a Depot Cash Keeper on 20.07.1964 in the services of the erstwhile State Transport Department and he was also regularised. Subsequently, various Transport Corporations came to be formed and the services of the petitioner's husband were absorbed in Pallavan Transport Corporation and it became the Metropolitan Transport Corporation, Chennai and the petitioner died in harness on 02.07.1978 as Depot Cash Keeper. The petitioner would further submit that while her husband was alive, he was contributing to the Employees Provident Fund Scheme, 1971, till his demise and after the demise of her husband, she was receiving Rs.325/- per month as the Family Pension under the EPF Scheme, 1971, which is a very meager amount. The petitioner is unable to make both ends meet. It is also averred that as per G.O.Ms.No.1028, of the 1st respondent Department, dated 23.09.1985, the petitioner's husband is eligible to receive pension as he has put in required service of 10 years 9 months and 11 days from the date of his appointment to 01.05.1975 ; but the pension has not been paid till his demise.

3 The fixation of the cut-off date as 01.05.1975/15.09.1975 had been put to challenge in very many litigations and in compliance of the orders, the 1st respondent had issued G.O.Ms.No.42, Transport Department, dated 27.05.2005, wherein the cut-off date for granting pension for the service put in by an employee of the Transport Department has been fixed as 01.04.1982 and as such, it is the claim of the petitioner that her husband is entitled to receive pension and on his demise, she is also entitled to receive. The petitioner also expresses another grievance that she is also entitled to receive Family Pension with effect from the date of her husband's demise, viz., 02.07.1978 or at least from 01.01.1988 in terms of G.O.Ms.No.189, Transport [RWI] Department dated 13.08.2004, which came into being in compliance of the orders passed in WP.No.19585/2003 dated 11.02.2004.

4 Very many litigations came to be filed claiming family pension and in compliance of the orders passed by this Court, the 1st respondent had passed G.O.[3D] Nos.20, 22 and 23 dated 18.07.2013 ; and 25.07.2013 respectively and this Court, in similar facts and circumstances, has passed orders dated 27.08.2014 ; 20.04.2015 and 20.08.2015 in WP.Nos.18886, 18887, 19394 to 19396/2014 and 11372/2015 ; 25880, 25881/2015 respectively, in which the 1st respondent is also arrayed as a respondent and therefore, prays for appropriate orders.

5 Heard the learned counsel for the petitioner and Mr.K.Dhananjayan, learned Special Government Pleader appearing for the 1st respondent and Mr.P.Kannan Kumar, learned Standing Counsel appearing for the respondents 2 and 3.

6 This Court, taking into consideration, the above facts and circumstances and in the light of the various orders passed by this Court, which has also been complied with by the above cited Government Orders, directs the respondents 1 and 2 to consider and dispose of the petitioner's representation dated 21.12.2015 on merits and in accordance with law and pass orders as expeditiously as possible and not later than six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

7 The writ petition stands disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

AP

Sub Assistant Registrar

To

- 1.The Secretary
State of Tamil Nadu
Transport Department
Secretariat, Chennai 600 009.
- 2.The Managing Director,
Metropolitan Transport Corporation
[Chennai] Ltd., Pallavan Salai
Chennai 600 002.
- 3.The Commissioner
Employees Provident Fund
Regional Office, No.20
Royapettah High Road,
Chennai 600 014.

+1cc to Mr.Jagadeesan, Advocate, S.R.No.11523

NMJ(CO)
RS(07/03/2017)

WP.No.9614/2016