



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P(MD)No.2384 of 2017

S.Saroja

... Petitioner

vs.

1)The State of Tamil Nadu,
Rep. by its Secretary to Government,
and Chairman of Transport Corporations,
Fort St.George,
Chennai-9.

2)The State Express Transport
Corporation (Tamil Nadu) Ltd.,
Rep. by its Managing Director,
Pallavan Salai,
Chennai-2.

3)The District Treasury Officer,
Thanjavur-613 001.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to pay family pension to the petitioner with effect from the date of the death of her husband i.e. from 09.02.2015 with arrears of family pension together with interest at the rate of 18% per annum payable from 09.02.2015 to till the date on which the arrears of family pension is settled to her.

For Petitioner : Mr.A.Rahul

For R1 & R3 : Mr.A.K.Baskarapandian
Special Government Pleader

For R2 : Mr.K.Sathiya Singh

ORDER

The prayer in this writ petition is for issuance of a Writ of Mandamus, directing the respondents to pay family pension to the petitioner with effect from the date of the death of her husband



i.e. from 09.02.2015 with arrears of family pension together with interest at the rate of 18% per annum payable from 09.02.2015 to till the date on which the arrears of family pension is settled to her.

2.The petitioner's husband was employed as a driver in the Transport Department of Government of Tamil Nadu from 01.11.1966. He retired on 31.07.1995. He was granted pension. However, after his death on 09.02.2015, family pension was not extended to the petitioner and that the petitioner has made a representation dated 25.05.2015 seeking family pension and the same has not been disposed of. Hence, this writ petition.

3.According to the petitioner, extension of pensionary benefits and family pension was considered and the benefit has been extended pursuant to G.O.Ms.No.171, Finance (BPE) Department, dated 21.03.1989 which was considered by this Court in W.P.No.44840 of 2006 dated 08.09.2010 (S.Bagirathi vs. Government of Tamil Nadu).

4.The only point raised by the respondents is that there is a delay and that the petitioner is not entitled to the relief sought for at the belated stage.

5.From the records, it is clear that the petitioner's husband died only in 2015 and there is no question of delay. Even assuming for the sake of argument that there is a delay, the benefit of pension and family pension cannot be deprived on the ground of delay and at the most, the interest portion alone can be reduced.

6.In this case, there is no delay. Hence, the appropriate authority is directed to consider the request of the petitioner taking into account the judgment mentioned supra and pass appropriate order within a period of eight weeks from the date of receipt of a copy of this order.

With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

1) The Secretary to Government,
and Chairman of Transport Corporations,
State of Tamil Nadu,
Fort St. George,
Chennai-9.



2) The Managing Director,
State Express Transport Corporation (Tamil Nadu) Ltd.,
Pallavan Salai,
Chennai-2.

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3) The District Treasury Officer,
Thanjavur-613 001.

+1 cc to M/s.K.Sathiya Singh, Advocate in SR.No. 7738
+1 cc to M/s.A.Rahul, Advocate in SR.No. 7816
+1 cc to The Special Government Pleader in SR.No. 8083

nbi

CSL/SV-MMS/21.02.2017 : 3P/7C

W.P (MD) No.2384 of 2017
13.02.2017