



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2017

WEB COPY

CORAM :

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.5849 of 2017

P.Backialakshmi

... Petitioner

Vs.

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

2. The Administrator,
Tamil Nadu State Transport Employees
Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai, Chennai - 2.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to pay family pension to the petitioner under Tamil Nadu State Transport Corporations Employees' Pension Fund Rules, along with arrears of the same from February, 2016, after death of her husband/pensioner A.Planiappan on 13.02.2016, within a time frame and with interest as may be fixed by this Court.

For Petitioner : Mr.S.Arunachalam
For Respondents : Mr.K.Sathiya Singh,
Standing Counsel for TNSTC.

ORDER

This Writ Petition has been filed by the petitioner for issuance of a Writ of Mandamus, to directing the respondents to pay family pension to the petitioner under the Tamil Nadu State Transport Corporations Employees' Pension Fund Rules, along with arrears of the same from February, 2016, after death of her husband/pensioner A.Planiappan on 13.02.2016, within a time frame, with interest, as may be fixed by this Court.



2. Heard Mr.S.Arunachalam, learned Counsel appearing for the petitioner and Mr.K.Sathiya Singh, learned Standing Counsel appearing for TNSTC.

3. The brief facts that are necessary for the disposal of this Writ Petition are as follows:

3.1. The petitioner's husband Thiru.A.Palaniappan, was working in the first respondent Transport Corporation as a permanent "Tradesman" from 01.07.1981. After completion of more than 30 years, the petitioner's husband retired from service on 30.06.2012. It is not in dispute that the petitioner's husband is fully qualified and entitled to pension under the provisions of Tamil Nadu State Transport Corporation Employees' Pension Fund Rules. The petitioner's husband was also receiving the pension from July 2012. However the petitioner's husband died on 13.02.2016.

3.2. It is also not in dispute that the petitioner is entitled to Family Pension as per Rule 20 (1) of the Tamil Nadu State Transport Corporation Pension Fund Rules, as the first wife of the deceased. However, the petitioner's grievance is that the respondents 1 to 3 have failed to consider her representation dated 20.02.2017, for payment of family pension on the ground that the deceased had two wives. Under such circumstances, the petitioner has come forward with the present Writ Petition for the reliefs prayed for.

4. The fact that the petitioner is the first wife of the deceased makes the petitioner eligible to claim family pension. Even assuming that the deceased had another wife, she is not entitled to family pension. The petitioner had also produced the Legal Heir Certificate to show that she is the first wife and legal heir of the deceased. In such circumstances, this Court has no hesitation to state that the petitioner is entitled to family pension to the exclusion of second wife.

5. In the result, this Writ Petition is allowed with a direction to the second respondent to pay family pension to the petitioner in accordance with the Rules under the Tamil Nadu State Transport Employees' Pension Fund Rules along with arrears from February 2016 to till date, within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/



To

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

2. The Administrator,
Tamil Nadu State Transport Employees
Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai, Chennai - 2.

+1cc to Mr.S.Arunachalam, Advocate Sr.No.52297
+1cc to Mr.K.Sathiya Singh, Advocate Sr.No.52553

cmr/gsp

vb/rsk/sar3/02.05.2017/3p/5c

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