

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2018

CORAM

THE Hon'ble Mr.JUSTICE T. RAJA

W.P.No.2807 of 2018

G. Saraswathy

.... Petitioner

vs

1. Government of Tamil Nadu.
Rep by The Principal Secretary to Govt,
Transport Department,
Secretariat, Chennai - 600 009

2. Tamil Nadu State Transport Corporation
(Villupuram) Ltd,
rep by the Managing Director,
3/137, Salamedu,
Valudha Reddy Post,
Villupuram - 605 602

3. The Commissioner,
Employees Provident Fund,
Regional Office,
20, Royapettah High Road,
Chennai - 600 014

..... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus, directing the respondents to grant family pension under the Tamil Nadu Pension Rules 1978 to the petitioner from 17.07.1998 the date of death of the petitioner's husband by considering and passing orders on the representation of the petitioner dated 20.12.2017 by following the judgments in W.A.No.1246 of 2009 dated 18.8.2010 and followed in G.O.Ms.(3D) No.38 Transport (RW1) Department in WP No.33975 of 2005 and WP No.35674/2005 dated 20.9.2011 as given to other similarly placed persons.

For petitioner	:	Mr.N. Ishak
For R.1	:	Mr.V. Kadhivelu Spl.Govt. Pleader
For R.2	:	Mr.A. Antony Arockia Raja Standing Counsel

ORDER

The petitioner is the wife of late R. Govindaraj, who died on 17.07.1998 while in service in the erstwhile Tamil Nadu State Transport Department.

2. The learned counsel also pleaded that the petitioner's husband was appointed as Driver in the erstwhile Tamil Nadu State Transport Department on 30.12.1967 and he was absorbed permanently in the respondent Corporation on 01.05.1975. He had rendered 14 years service as on 01.04.1982. Therefore, the petitioner is eligible for family pension. However, the respondents refused to entertain the request for payment of Family pension to the petitioner. Therefore, a representation has been given on various dates viz., 24.05.2017 and 20.12.2017 requesting the respondents to extend the benefit of family pension to the petitioner. But the representations have not been considered. Therefore, a direction be issued to the respondents to consider the representations of the petitioner.

3. Mr.V. Kadhirvelu, learned Special Government Pleader takes notice for the first respondent and Mr.A. Antony Arockia Raja, learned Standing Counsel takes notice for the second respondent and sought time to get instructions.

4. Having regard to the submissions made by the learned counsel for the petitioner, and also taking into consideration the limited prayer sought for in the writ petition, without expressing any opinion with regard to the merits of the case, this Court, instead of granting time to the counsel for the respondents, direct the respondents to consider the representations of the petitioner dated 24.05.2017 and 20.12.2017 and pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

5. With the above observation, the writ petition is disposed of. No costs.
sr

-sd/-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. Government of Tamil Nadu.
Rep by The Principal Secretary to Govt,
Transport Department,
Secretariat, Chennai - 600 009

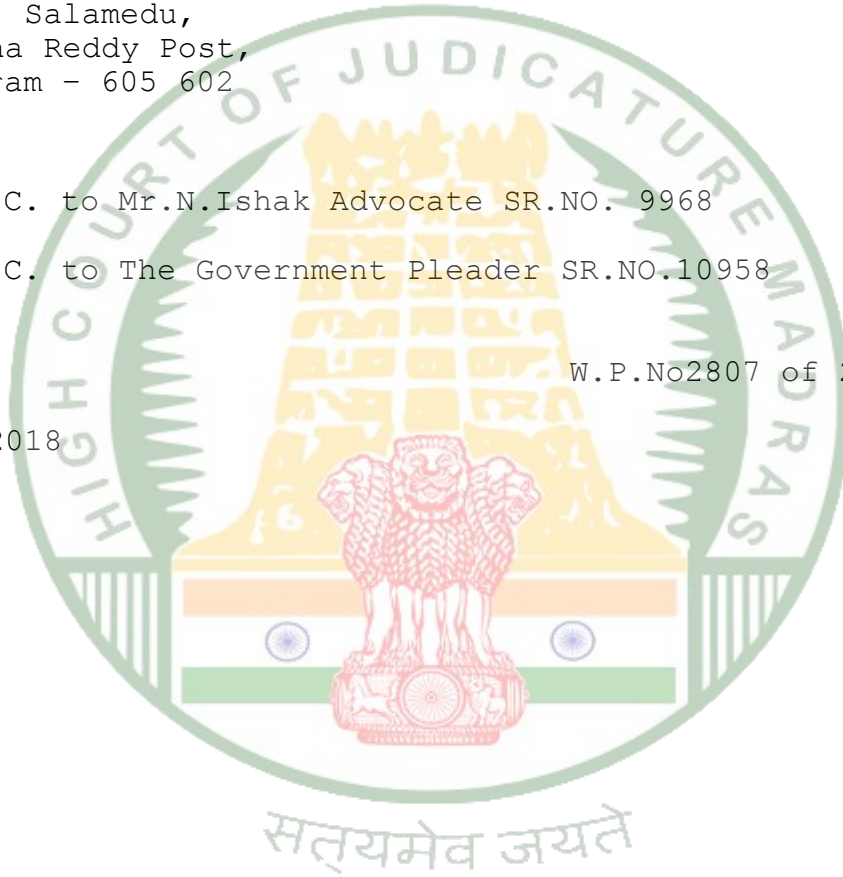
2. Tamil Nadu State Transport Corporation
(Villupuram) Ltd,
rep by the Managing Director,
3/137, Salamedu,
Valudha Reddy Post,
Villupuram - 605 602

+1 C.C. to Mr.N.Ishak Advocate SR.NO. 9968

+1 C.C. to The Government Pleader SR.NO.10958

W.P.No2807 of 2018

VS 26.02.2018



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