

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 10.09.2018
CORAM:
THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM
W.P. No.18171 of 2012

D.Mangayarthilagam

.. Petitioner

Vs.

1.The Administrator,

Tamil Nadu State Transport Corporation,
Office of Employees Post Retirement Benefit Fund,
No.2, Pallavan Salai,
Chennai-600 002.

2.The Managing Director,

Tamil Nadu State Transport Corporation,
12, Ramakrishna Road,
Salem-363 007.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents herein to calculate the family pension from the month of December 2005 till the date of realisation with due interest payable under the law in force and to pay the same with reference to the last proceeding dated 06.12.2011, issued by the authority concerned of the respondents herein, within the stipulated period.

For Petitioner : Mr.G.Thangavel

For Respondents : Ms.S.Rajeni Ramadass
Standing Counsel for R2

O R D E R

Heard Mr.G.Thangavel, learned counsel for the petitioner; Ms.S.Rajeni Ramadass, learned Standing Counsel for the respondents 1 and 2 and perused the materials available on record.

2. The petitioner has come up with the present Writ Petition for issuance of Writ of Mandamus, directing the respondents to calculate the family pension from the month of December 2005 till the date of realisation with due interest.

3. The case of the writ petitioner is that her husband Late Danakodi was working as Ticket Checking Inspector in the respondent Corporation and he retired from service on 31.08.2003 and passed away on 14.12.2005.

4. The petitioner would submit that she gave an application for issuance of family pension and subsequently the petitioner produced all the relevant documents sought for by the respondents, but, even then, the case of the petitioner was not considered.

5. The learned counsel for the petitioner would argue that the application of the petitioner was wrongly rejected by the respondents on 10.10.2011, but subsequently, the petitioner gave a representation on 08.11.2011 and also furnished documents required during the enquiry contended by the respondents on 21.12.2011. He further adds that the petitioner would be satisfied, if a direction is issued to the first respondent to pass orders on the application of the petitioner.

6. The learned standing counsel for the respondents submitted that the order of rejection dated 10.10.2011 was not challenged by the petitioner, but subsequently, the petitioner has furnished relevant documents and the first respondent is ready to consider and pass orders. It is further submitted that the husband of the petitioner has not claimed any family pension from the respondent-Corporation and he is also no more and hence, the case of the petitioner would be considered by them in accordance with law.

7. In the light of above facts, this Court without going into the merits of the case, directs the petitioner to approach the first respondent along with succession certificate and all necessary documents. On such compliance, the first respondent is directed to pass appropriate orders, on merits and in accordance with law, after providing opportunity to all necessary parties, within a period of four weeks from the date of receipt of a copy of this order.

8. With the above direction, the Writ Petition is disposed of. There is no order as to costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vv2 / r n s

To

1.The Administrator,
Tamil Nadu State Transport Corporation,
Office of Employees Post Retirement Benefit Fund,
No.2, Pallavan Salai,
Chennai-600 002.

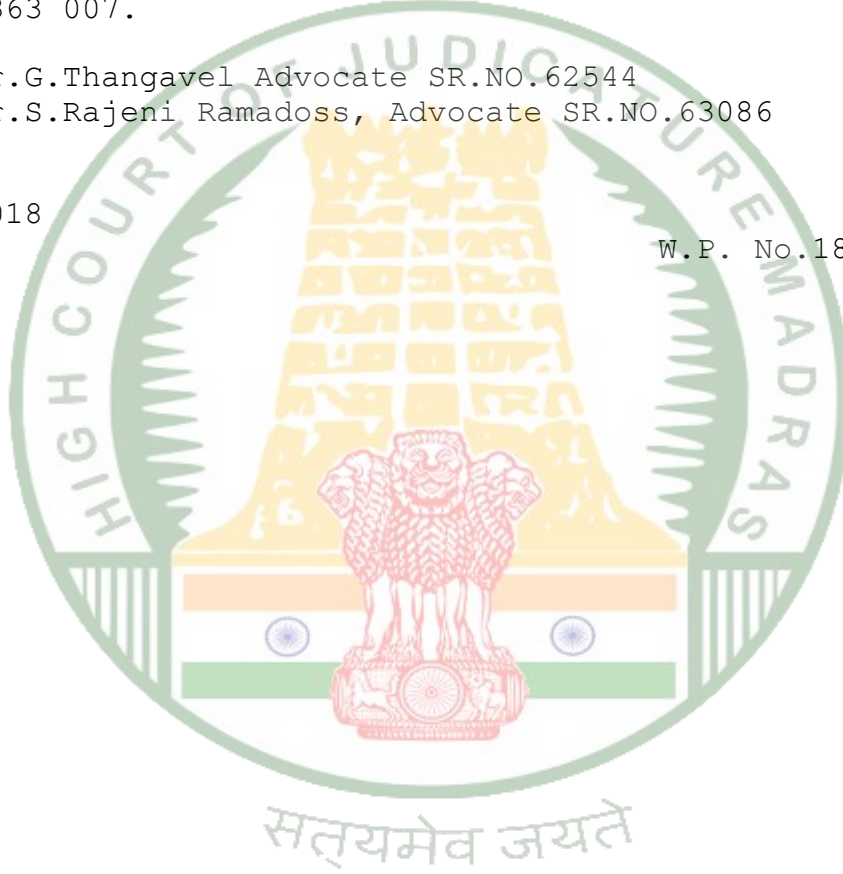
2.The Managing Director,
Tamil Nadu State Transport Corporation,
12, Ramakrishna Road,
Salem-363 007.

+1cc to Mr.G.Thangavel Advocate SR.NO.62544

+1cc to Mr.S.Rajeni Ramadoss, Advocate SR.NO.63086

VGII(CO)
sm:5.10.2018

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