

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATE: 22.10.2018
CORAM
THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI
W.P.No.27344 of 2018

Mrs.R.Devagi .. Petitioner

Vs

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

2. Tamil Nadu State Transport Corporation,
(Salem Division I) Ltd.,
(Old Name Anna Transport Corporation Ltd.,)
Rep. By its Managing Director,
12, Ramakrishna Road,
Salem - 636 007.

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

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 1st respondent to grant family pension and for payment of arrears of Family Pension to the Petitioner from 11.10.2013, the date following the death of the petitioner's husband by following the Judgements in WA No.1246 of 2009 dated 18.08.2010 and in WP No.33975 of 2005 dated 20.09.2011 and in WP No.35674 of 2005 dated 20.09.2011 and in WP No.11372 of 2015 dated 20.04.2015 and to pass such further or other order.

For Petitioner : Mr.V.S.Jagadeesan
For Respondents : Mr.S.Suresh Kumar
Government Advocate for R1
Mr.P.Kannan Kumar
Standing Counsel for R2

ORDER

Mr.S.Suresh Kumar, learned Government Advocate accepts notice for 1st respondent and Mr.P.Kannan Kumar, learned Standing Counsel accepts notice for 2nd respondent. No relief being sought for against the 3rd respondent and as such, notice is not issued to him.

2. The petitioner happens to be the wife of a State Transport Department employee who was subsequently absorbed under the 2nd respondent. Her husband was a pensioner who died on

11.10.2013 and therefore, the petitioner claims that she is entitled to family pension on the death of her husband. However, such family pension has not been sanctioned to the petitioner yet, inspite of several representations, the last such representation was made to the 1st respondent on 14.08.2018. No action on the same having been taken, she has come to file this writ petition challenging such inaction on the part of the 1st respondent for non-consideration of her representation seeking for a direction to issue a writ of mandamus to the 1st respondent to release the family pension in favour of the petitioner.

3. During the course of hearing, the learned counsel appearing for the petitioner submits that the petitioner though sought for the aforesaid larger relief but she now wants to confine her prayer for disposal of her representation by the 1st respondent within a stipulated period and as such, the writ petition be disposed of with the said direction.

4. Mr.S.Suresh Kumar, learned Government Advocate who accepts notice for the 1st respondent has no objection for the same but submits this Court should not put any fetter on the 1st respondent for consideration of such representation in any particular manner.

5. Hence, regard being had to the aforesaid facts and submissions made, this Court dispose of this writ petition at the stage of admission without seeking any reply affidavit, with a direction to the 1st respondent to take an informed and considered decision on the representation made by the petitioner for release of the family pension in her favour, if she is legally entitled to the same, within a period of eight weeks from the date of receipt of copy of this order after putting on notice to any rival claimant in this regard.

6. With the aforesaid order, the writ petition stands disposed of. No costs.

22.10.2018

rka

To

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

2. Tamil Nadu State Transport Corporation,
(Salem Division I) Ltd.,
(Old Name Anna Transport Corporation Ltd.,)
Rep. By its Managing Director,
12, Ramakrishna Road,
Salem - 636 007.

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

Chennai 600 014.

SATRUGHANA PUJAHARI.J
rka

WP. 27344 of 2018

22.10.2018