

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2018

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

W.P.No.31462 of 2018

R.Mylathal

... Petitioner

Versus

1.The State of Tamil Nadu.

Represented by its Additional Chief Secretary,
Transport Department,
Secretariat,
Chennai - 9.

2.The State Express Transport Corporation Ltd.,
(Old name-Thiruvalluvar Transport Corporation)

Rep. by its Managing Director,
No.2, Pallavan Salai,
Chennai - 2.

... Respondents

Prayer :Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the first respondent to grant family pension and consequently pay the arrears of family pension from 27.11.2017 i.e., from the date of death of her husband in the light of the orders passed by this Court in W.A.No.1246 of 2009, dated 18.08.2010 and in WP.NO.33975 of 2005, dated 20.09.2011 and WP.No.25880 & 25881 of 2015, dated 20.08.2015 by considering her representation dated 13.11.2018.

For Petitioner : Mr.D.Soundar Raj

For Respondents : Mr.R.S.Selvam,
Government Advocate.

ORDER

The Writ of Mandamus has been filed by the petitioner seeking, direction to the first respondent to grant family pension and consequently pay the arrears of family pension from 27.11.2017 i.e., from the date of death of her husband in the light of the orders passed by this Court in W.A.No.1246 of 2009, dated 18.08.2010 and in WP.NO.33975 of 2005, dated 20.09.2011 and WP.No.25880 & 25881 of 2015, dated 20.08.2015 by considering her representation, dated 13.11.2018.

2. Learned counsel for the petitioner would submit that in terms of the orders passed by this Court in WP.'s as stated supra as well as the writ appeal, the Government of Tamil Nadu has issued G.O.(Ms).No.189, dated 13.08.2004, in which the benefits of Family Pension has been extended to all spouses of the Transport (RW1) Department, who were similarly placed as that of the petitioner's husband. In this regard, the petitioner has sent a representation to the second respondent on 13.11.2018, which has not been considered. Therefore, the present writ petition is filed.

3. Mr.R.S.Selvam, learned Government Advocate takes notice for the respondents.

4. Heard the learned counsel on either side and perused the materials placed on record.

5. In view of the limited relief sought for, this Court is of the view that it is not necessary to dwell into the merits of the issue, but it would be suffice to direct the respondents to consider the representation submitted by the petitioner on 13.11.2018 in terms of G.O.(Ms).No.189 dated 13.08.2004 and pass orders on the same within a particular time frame.

6. In the above circumstances, this writ petition is disposed of directing the second respondent to consider the representation of the petitioner dated 13.11.2018 in terms of G.O.(Ms).No.189 dated 13.08.2004, Transport (RW1) Department and pass orders thereon, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No costs.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

kst/klt

To

1.The Additional Chief Secretary,
State of Tamil Nadu, Transport Department,
Secretariat,
Chennai - 9.

2.The Managing Director,
State Express Transport Corporation Ltd.,
(Old name-Thiruvalluvar Transport Corporation)
No.2, Pallavan Salai,
Chennai - 2.

+1 cc to Mr.D.Soundar Raj, Advocate Sr.No.81671
+1 cc to The Government Pleader, Sr.No.82231

W.P.No.31462 of 2018

MP (CO)
CSL/07.01.2019



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