

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.No.31867 of 2018

R.Karmelammal

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Petitioner

Vs

1.The State of Tamil Nadu
rep.by the Secretary, Transport
Department, Fort St.George, Chennai-9.

2.State Express Transport Corporation Ltd.,
Tamilnadu Division I Ltd.,
Chennai 600 002.

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

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Respondents

For Petitioner : M/s.V.S.Jagadeesan

For Respondent : Mr.K.Rajendra Prasad,
Addl.Govt.Pleader - for R1
Mr.P.Kannan Kumar - for R2

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the first respondent to grant family pension and for payment of arrears of family pension to the petitioner from 09.11.2016, the day following the date of the death of the petitioner's husband by following the judgments in W.A.No.1246 of 2009 dated 18.8.2010 and in W.P.No.35674 of 2005 dated 29.09.2011 and in W.P.No.11372 of 2015 dated 20.04.2015.

O R D E R

The petitioner has filed this writ petition seeking family pension. The petitioner's husband N.Thangaiyan was working in the State Transport Corporation as driver and later on he died on 08.11.2016. The petitioner's husband was entitled to

pension and after his death, the petitioner became entitled to receive family pension with effect from the date of death of her husband ie., 09.11.2016. The petitioner claims that her request for family pension has to be considered in terms of her representations dated 18.10.2017 and 12.08.2018 and in the light of the orders passed by this Court in W.A.No.1246 of 2009 dated 18.8.2010.

2. Mr.K.Rajendra Prasad, learned Additional Government Pleader takes notice for the first respondent and Mr.P.Kannan Kumar, learned Standing Counsel takes notice for the second respondent. Heard the learned counsel on either side and perused the materials placed on record.

3. 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 representations of the petitioner in the light of the earlier orders passed by this Court and pass orders on the same within a particular time frame.

4. In the above circumstances, this writ petition is disposed of directing the respondents to consider the representations of the petitioner 18.10.2017 and 12.08.2018 in the light of the orders passed by this Court in W.A.No.1246 of 2009 dated 18.8.2010, and pass orders thereon, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kst

To

1.The Secretary,
Transport Department,
Fort St.George, Chennai-9.

2.State Express Transport Corporation Ltd.,
Tamilnadu Division I Ltd.,
Chennai 600 002.

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

+1cc to Mr.P.Kannan Kumar, Advocate, S.R.No. 83154
+1cc to Mr.V.S.Jagadeesan, Advocate, S.R.No. 82505
+1cc to the Government Pleader, S.R.No. 83729

W.P.No.31867 of 2018

VD(CO)
GN(26/12/2018)