



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2018

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WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

REV.APLW.(MD)No.26 of 2018 in
W.P.(MD)No.19406 of 2017 and
W.M.P.(MD)No.12323 of 2018

1. The Managing Director,
Tamil Nadu Government Transport Corporation,
Bypass Road,
Madurai Region, Madurai.

2. The Branch Manager,
K.Pudur Branch,
Tamil Nadu Government Transport Corporation,
Madurai Region,
Madurai.

... Petitioners/Respondents

Vs.

1. Mariyammal @ Thenmozhi

... Respondent/Petitioner

2. The Secretary,
Government of Tamil Nadu,
Tamil Nadu Government Transport Corporation,
Secretariat Building,
Chennai - 9.

3. The Commissioner,
Tamil Nadu Government Transport Corporation,
Ezhilagam Buildings,
Chepauk, Chennai.

... Respondents/Respondents

PRAYER : Review application is filed under Order 47 Rule 1 and 2 r/w Section 114 of C.P.C., to allow the Review Application and review the order passed in W.P.(MD)No.19406 of 2017, dated 20.10.2017 on the file of this Court.

Prayer in WP(MD). 19406/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of mandamus directing the first and second respondents to consider petitioners representation dated 05.10.2016 pertaining to sanction of the pension applicable to the deceased Karuppasamy (DRO 6082) in her name and pass such other further orders as this Honble Court.



For Petitioners : Mr.A.Jeyaram
For Respondents : Mr.N.S.Ponniah

O R D E R

W.P.(MD)No.19406 of 2017 was filed by one Mariyammal @ Thenmozhi, seeking a direction for consideration of her representation dated 05.10.2016 pertaining to sanction of the pension applicable to the deceased Karuppasamy(DRO 6082) in her name.

2. The case of the Writ petitioner was that the said Karuppasamy was employed in Tamil Nadu State Transport Corporation (Madurai) Ltd., Madurai, as a Driver. He had two wives. Following his demise, there was a contest between the two wives. The issue was amicably resolved in S.O.P.No.17 of 2009 on 06.12.2014. Based on the same, the Writ petition was allowed. This Court was swayed by the fact that the issue had been amicably resolved in S.O.P.No.17 of 2009 and therefore, issued a positive direction for sanctioning of pension in favour of Mariyammal @ Thenmozhi, by order dated 20.10.2017. To review the same, this application has been moved before this Court.

3. Heard the learned counsel on either side.

4. The learned counsel for Tamil Nadu State Transport Corporation raised a number of factual disputes. He would go to the extent alleging that there was impersonation.

5. This Court is of the view that when the prayer itself was for consideration of her representation dated 05.10.2016, this Court ought not to have issued a direction for sanctioning of pension in favour of the petitioner. In this view of the matter, this Court is of the view that the order suffers from error apparent on the face of the record.

6. The learned counsel for the respondents has no objection for allowing the review petition as prayed for.

7. The prayer in the Writ petition is only for considering the representation dated 15.10.2016. The learned counsel for the review applicants submit that such an order would be passed within a period of six weeks from the date of receipt of a copy of this order.

8. The Review application stands allowed, accordingly. No costs. Consequently, connected Miscellaneous petition is closed. Both Writ petition and Review petition stand allowed.

Sd/-

Assistant Registrar(AS)

/True Copy/

<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar(CS-I)



To

1. The Secretary,
Government of Tamil Nadu,
Tamil Nadu Government Transport Corporation,
Secretariat Building,
Chennai - 9.

2. The Commissioner,
Tamil Nadu Government Transport Corporation,
Ezhilagam Buildings,
Chepauk, Chennai.

+1cc to M/S.N.S.Ponniah, Advocate SR.No. 74745

ORDER MADE IN

REV.APLW.(MD)No.26 of 2018 in
W.P.(MD)No.19406 of 2017 and
W.M.P.(MD)No.12323 of 2018
23.07.2018

pmu

JM/SKN RSK/SAR 1/20.08.2018/3P/4C