



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2018

CORAM:

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THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.12481 of 2018

and

W.M.P. (MD) No.11351 of 2018

S.Angayarkanni

... Petitioner

-Vs-

1. The Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Represented by its Managing Director,
Kumbakonam.

2. The General Manager,
The Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Karaikudi Region, Karaikudi.

3. The Administrator,
The Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai-2.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Declaration, declaring the action of the respondents in denying dearness allowance on the petitioner's family pension as illegal and arbitrary and consequently direct the respondents to effect the payment of dearness allowance on the petitioner's family pension with effect from the date of death of her husband Late.R.Kannan and to pay the dearness allowance arrears on family pension together with interest at the rate of 18% per annum payable from the date of death of the petitioner's husband within the time limit that may be fixed by this Court.

For Petitioner

: Mr.S.Subramanian

For R1 and R2

: Mr.D.Sivaraman,
Standing Counsel.

For R3

: Mr.A.P.Muthu Pandian

ORDER

The prayer sought for in the writ petition is for a Writ of Declaration, declaring the action of the respondents in denying dearness allowance on the petitioner's family pension as illegal and arbitrary and consequently directing the respondents to effect the payment of dearness allowance on the petitioner's family pension with effect from the date of death of her husband Late.R.Kannan and to pay the dearness allowance arrears on family pension together with interest at the rate of 18% per annum payable from the date of death of the petitioner's husband within the time limit that may be fixed by this Court.

2.Heard Mr.S.Subramanian, learned counsel appearing for the petitioner, Mr.D.Sivaraman, learned Standing Counsel, who takes notice on behalf of the respondents 1 and 2 and Mr.A.P.Muthu Pandian, learned counsel, who takes notice on behalf of the third respondent.

3.By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4.The learned counsel appearing for the petitioner would submit that though such a larger prayer sought for in this writ petition, the petitioner would be confined with his prayer that if her representation dated 16.04.2018 made to the respondents is directed to be considered and an order to that effect would be passed, within the time frame that may be stipulated by this Court, the petitioner would be satisfied.

5.I have heard the learned Standing Counsel, who would submit that as per the Service Rules, which are in vogue, the petitioner's request can be considered as to whether the petitioner is entitled to seek dearness allowance along with family pension being paid to the petitioner.

6.The learned Standing Counsel further submitted that at any rate, the said representation of the petitioner dated 16.04.2018 would be considered on merits and in accordance with law.

7.Considering the said submissions made by both parties, this Writ Petition is disposed of with the following direction:-

"that the respondents especially the third respondent is directed to consider the petitioner's representation dated 16.04.2018 on merits and in accordance with law and pass orders thereon, within a period of six weeks from the date of receipt of a copy of this order."



No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)

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/True Copy/

Sub Assistant Registrar

TO

The Administrator,
The Tamil Nadu State Transport
Corporation Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai-2.

+1cc to Mr.A.Rahul, Advocate Sr.No.68105

+1cc to Mr.D.Sivaraman, Advocate Sr.No.67813

Myr/rmi

MK/SB/SAR 4/27.06.2018/3P/4C

W.P (MD) No.12481 of 2018

12.06.2018