



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2018

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P (MD) No.13656 of 2018

WEB COPY

V.Nallammal

... Petitioner

Vs.

Tamil Nadu State Transport Corporation

(Madurai) Limited,

Tirunelveli Region,

Vannarpettai,

Tirunelveli

rep. by its General Manager

... Respondent

**Prayer:** This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to consider and pass orders on the representation dated 23.03.2018 for disbursement of Family Pension within the time limit that may be stipulated by this Court.

For Petitioner : Mr.K.Gurunathan

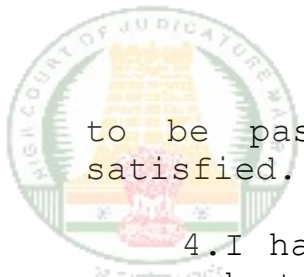
For Respondent : Mr.K.Sathiya singh

### O R D E R

The prayer sought for in this writ petition is for a writ of Mandamus, directing the respondent to consider and pass orders on the representation dated 23.03.2018 for disbursement of Family Pension within the time limit that may be stipulated by this Court.

2.Heard Mr.K.Gurunathan, learned counsel appearing for the petitioner and Mr.K.Sathiyasingh, learned standing counsel appearing for the respondent.

3.The learned counsel appearing for the petitioner would submit that the petitioner's husband was working as Conductor at the respondent Corporation and retired from service on 30.08.2010. Thereafter he died on 19.01.2011. The petitioner is the second wife of the deceased employee. However, the first wife got divorced from the employee and even though since there had been a dispute with regard to the legal heirship, the issue was settled in a civil proceedings in S.O.P.No.9 of 2013. Therefore, based on such settlement, the petitioner alone would be entitled to get the family pension. Accordingly, she made a request on 23.03.2018 to the respondent and if the said request/representation is directed to be considered and an order to that effect is directed



to be passed, within a time frame, the petitioner would be satisfied.

4.I have heard the learned standing counsel appearing for the respondent, who would submit that the said request of the petitioner dated 23.03.2018 would be considered on merits and in accordance with law, within a time frame.

5.Considering the said submissions made by both sides, this writ petition is disposed of with the following direction:

"The respondent shall consider the said representation of the petitioner dated 23.03.2018 and decide the same as to whether the petitioner shall be entitled to get the pension benefits (family pension) of the deceased husband of the petitioner and while deciding the same, opportunity of being heard shall also be given to the first wife and after hearing both the petitioner as well as the first wife, the respondent shall take final decision with regard to the entitlement of family pension of the petitioner and pass orders thereon. The aforesaid needful shall be undertaken by the respondent, within a period of eight weeks from the date of receipt of a copy of this order".

6.With the above direction, this writ petition is disposed of. No costs.

Sd/-  
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To  
The General Manager,  
Tamil Nadu State Transport Corporation  
(Madurai) Limited,  
Tirunelveli Region,  
Vannarpettai,  
Tirunelveli

+1cc to Mr.K.Sathiya singh, Advocate SR.No.70041  
+1cc to Mr.K.Gurunathan, Advocate SR.No.70090

Arul  
MK/TE/SAR 2/12.07.2018/2P/4c