

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 08.01.2019
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.267 of 2019

G.Tamilarasi

...Petitioner

Vs

1.The State of Tamil Nadu,
Rep. by its Secretary,
Transport Department,
Secretariat,
Chennai-600 009.

2.State Express Transport corporation Ltd.,
Rep. by its Managing Director,
Thiruvalluvar House,
Pallavan Salai,
Chennai-600 002.

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

...Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the 1st respondent to grant Family Pension and for payment of arrears of Family Pension to the petitioner from 13.12.2017, the day following the date of the death of the petitioner's husband by following the judgements in W.A.No.1246 of 2009 dated 18.08.2010 and in W.P.No.35674 of 2005 dated 20.09.2011 and in W.P.No11372 of 2015 dated 20.04.2015.

For Petitioner : Mr.V.S.Jagadeesan

For Respondents : Mr.A.N.Thambidurai
Special Government Pleader
for R1 and R3

Mrs.Rajini Ramadoss for R2

O R D E R

The petitioner has come up with this writ petition to direct the first respondent to disburse family pension and the arrears of family pension to the petitioner from 13.12.2017, the day following the date of the death of the petitioner's husband by following the judgments of this Court in W.A.No.1246 of 2009 dated 18.08.2010, W.P.No.35674 of 2005 dated 20.09.2011 and W.P.No.11372 of 2015 dated 20.04.2015.

2.This Court also heard Mr.A.N.Thambidurai, learned Special Govt.Pleader, who took notice for the respondents 1 and 3 and Mrs.Rajini Ramadoss, learned counsel, who took notice for the second respondent.

3.The case of the petitioner is that even though her husband died on 13.12.2017, till now the family pension has not been granted to the petitioner. Further, in W.A.No.1246 of 2009, this Court passed an order on 18.08.2010 directing the Government to grant family pension with certain conditions and subsequently the Government also implemented the order by sanctioning family pension to one Tmt.A.Logayanaki who is similarly placed like that of the petitioner herein, by issuing an order in G.O.(3D) No.38, Transport (RW1) Department, dated 07.09.2011. The petitioner has also made a representation dated 18.06.2018 to the first respondent in this connection. Hence, this Court deems it fit to direct the first respondent to consider the representation dated 18.06.2018 made by the petitioner and pass appropriate orders on merits and in accordance with law, in the light of the order passed by this Court in W.A.No.1246 of 2009 dated 18.08.2010, after affording an opportunity to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

4.The writ petition is disposed of accordingly. No costs.

सत्यमेव जयते
Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

KM
To

1.The Secretary to Government
Government of Tamil Nadu,
Transport Department,
Secretariat,
Chennai-600 009.

2.The Managing Director,
State Express Transport corporation Ltd.,
Thiruvalluvar House,
Pallavan Salai,
Chennai-600 002.

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

+1cc to Mr.V.S.Jagadeesan, Advocate, S.R.No.1727

W.P.No.267 of 2019

RV(CO)
GSP(11/02/2019)



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