

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2019

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.9657 of 2019

Tmt.S.Aruputham

... Petitioner

-Vs-

1. The Chairman,
Chennai Port Trust,
Rajaji Salai,
Chennai - 600 001.

2. The Secretary,
Chennai Port Trust,
Rajaji Salai,
Chennai - 600 001.

3. The Chief Mechanical Engineer,
Chennai Port Trust,
Rajaji Salai,
Chennai - 600 001.

4. Tmt. Kalaiselvi,
W/o. Late S.Krishnan.

... Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st to 3rd respondents herein to forthwith sanction 50% of terminal benefits of deceased son S.Krishnan to the petitioner on war-footing basis. सत्यमेव जयते

For petitioner : Mr.K.Raja

ORDER

The relief sought for in the present writ petition is for a direction to directing the respondents 1 and 3 to forthwith sanction 50% of terminal benefits of the deceased son Mr.S.Krishnan to the petitioner on war-footing basis.

2. The grievances of the writ petitioner is that her son Mr.S.Krishnan, who was working as Technical High Skilled Grade -II in Mechanical and Electrical Department, Chennai Port Trust

died on 28.06.2018 leaving behind the writ petitioner as well as her daughter-in-law Tmt.Kalaiselvi.

3. The learned counsel for the writ petitioner states that the petitioner is aged about 83 years old and she is not having any source of income to lead her livelihood. The daughter-in-law is also not taking care of the writ petitioner.

4. This apart, it is contended that the 4th respondent herself was also an employee of Chennai Port Trust and after retirement now she is receiving pension. However, certain mitigating circumstances arising on account of the old age of writ petitioner and this Court cannot grant any direction in violation of the Pension Rules.

5. In the present case on hand, the son of the writ petitioner was employee of the Chennai Port Trust and died in harness. Thus, the pensionary benefits and pension is to be settled in accordance with the pension schemes as well as the Rules in force. However, the petitioner made a representation in this regard, it is left open to the authorities to follow the Pension Rules and the scheme in the matter of disbursement of the pension benefits as well as the other consequential benefits. As far as the prayer sought for in the writ petition to grant of 50% pensionary benefits is concerned, the same cannot be considered in the absence of any specific Rules under the Pension Rules. Thus, It is left open to the authorities to consider the case in consonance with the Rules.

6. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mp/pns

To

1. The Chairman,
Chennai Port Trust,
Rajaji Salai,
Chennai - 600 001.

2. The Secretary,
Chennai Port Trust,
Rajaji Salai,
Chennai - 600 001.

3. The Chief Mechanical Engineer,
Chennai Port Trust,
Rajaji Salai,
Chennai - 600 001.

+1cc to Mr.K.Raja, Advocate Sr.32798

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mr[co]
srg 9/5/2019



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