

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.12482 of 2019

Kala

...Petitioner

-Vs-

1. The Government of Tamil Nadu
Rep. by its Secretary,
Finance Department,
Fort St. George,
Chennai - 600 009.
 2. The Principal Secretary,
The Government of Tamilnadu,
Transport Department,
Fort St.George,
Chennai-9.
 3. The Accountant General,
O/o. the Accountant General,
Teynampet,
Chennai - 18.
 4. Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Rep. by its Managing Director,
3/137, Salamedu,
Villupuram.
 5. The General Manager, सतयमेव जयते
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Kancheepuram Region,
Chennai-Bangalore Highways,
Ponnerikarai,
Kancheepuram.
- ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to sanction and pay the petitioner Government family pension w.e.f. the date of death of her husband, that is from 16.11.2016, with arrears and other consequential benefits, including dearness allowance, as revised and paid to Government pensioners/family pensioners from time to

time, within a specified time as may be fixed by this Hon'ble Court.

For Petitioner : Mr.R.Krishnaswamy
For Respondents: Mr.P.S.Sivashanmuga Sundaram for R1
Mr.T.S.Selvarani for R2
Mr.V.Murali for R3
Mr.S. Rajeni Ramadass
for R4 & 5
Mr.T.R. Sundaram for EPF

O R D E R

This writ petition has been filed for the issuance of writ of mandamus directing the respondents to sanction and pay family pension to the petitioner.

2.The husband of the petitioner joined the services of erstwhile Tamilnadu State Transport Department as a Driver in the year 1961 and he was made permanent with effect from 01.07.1975. On the formation of the Pallavan Transport Corporation, the husband of the petitioner was absorbed in the Tamilnadu State Transport Corporation (Villupuram) Ltd. In the mean time, the employees pension scheme was introduced by the Central Government with effect from 01.05.1975. The husband of the petitioner retired from service on 30.06.1996 after reaching the age of superannuation. He started receiving the monthly pension from the Transport Department till he died on 16.11.2016. He was not covered by the Employees Provident Fund (EPF) pension scheme 1995 and therefore no pension was sanctioned in the said scheme.

3.After the death of the husband, the petitioner made a representation to the respondents to sanction Family Pension. Since no action was taken on the representation, the present writ petition has been filed before this Court.

4.Heard the learned counsel appearing for the petitioner and the learned counsel for the respondents.

5.Taking into consideration the facts and circumstances of the case and considering the limited relief that has been sought for by the petitioner, the fourth respondent shall consider the representation dated 10.05.2017 made by the petitioner and decide regarding the entitlement of the petitioner to receive family pension and pass appropriate orders strictly in accordance with law within a period of eight weeks from the date of receipt of copy of this order. If the petitioner is found to be entitled for Family Pension, the follow-up action shall be done immediately to ensure that there is no undue delay for the

petitioner receiving the Family Pension. The petitioner is directed to give a representation along with the copy of this order and also a copy of the representation dated 10.05.2017, to the fourth respondent.

6.This writ petition is disposed of with the above directions. No Costs.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

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To

1. The Secretary,
The Government of Tamil Nadu
Finance Department,
Fort St. George, Chennai - 600 009.
2. The Government of Tamilnadu,
The Principal Secretary,
Transport Department,
Fort St.George, Chennai-9.
3. The Accountant General,
O/o the Accountant General,
Teynampet, Chennai - 18.
- 4.The Managing Director,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
3/137, Salamedu, Villupuram.
- 5.The General Manager,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Kancheepuram Region, Chennai-Bangalore Highways,
Ponnerikarai, Kancheepuram.
6. The Public Prosecutor,
High Court, Madras

+1 CC to M/s.S. Rajeni Ramadass, Advocate sr 101983.
+2 CCS to Mr.T.R. Sundaram, Advocate sr 101790.

W.P.No.12482 of 2019

NR(CO)
SP(17/02/2020)