

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.15610 of 2019

M.Dillibai

... Petitioner

Versus

- 1.The Government of Tamilnadu
Rep.by its Secretary
Transport Department,
Fort St.George,
Chennai - 9.
- 2.The Accountant General,
O/o., of the Accountant General,
Teynampet, Chennai - 18.
- 3.Metropolitan Transport Corporation Ltd.,
Rep.by its Managing Director,
Pallavan Illam,
Chennai - 2.
- 4.The Regional Provident Fund Commissioner,
Employees' Provident Fund Organisation,
Royapettah, Chennai - 14. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the third respondent to send the proposal to the first and second respondents and directing the respondents 1 and 2 to sanction and pay the petitioner family pension, with effect from 22.11.2018, with arrears and other consequential benefits, as revised from time to time.

For Petitioner : Mr.R.Krishnaswamy

For Respondents: Mr.R.S.Selvam, (for R1)
Government Advocate.

: Mrs.S.Rajevi Ramadoss (for R3)

ORDER

This Writ Petition has been filed by the petitioner seeking direction to the third respondent to send the proposal to the first and second respondents and directing respondents 1 and 2 to sanction and to grant family pension and consequently pay the arrears of family pension from 22.11.2018 i.e., from the date of death of her husband, and other consequential benefits, as revised from time to time.

2.The case of the petitioner is that the petitioner's husband Mr.R.Masilamani initially joined service in the Tamil Nadu State Transport Department as a Technical Helper. Thereafter, the service of the petitioner's husband was absorbed with continuation and with same conditions of service from the erstwhile department by the Metropolitan Transport Corporation. Further, the petitioner stated that her husband had rendered more than 16 years service in the said department. After absorption, the petitioner's husband became a member of the Provident Fund. After his superannuation on 28.02.1998 from the third respondent's Corporation, he was in receiving of pension. On 21.11.2018, the petitioner's husband died leaving behind the petitioner, his daughter and two sons as legal heirs. After the demise of petitioner's husband, the third respondent herein had stopped the monthly pension. The petitioner made a representation on 24.04.2019 to the Deputy Manager of the third respondent Corporation requesting to sanction the family pension from the date of demise of her husband, as per the G.O.Ms.No.189, Transport, dated 13.08.2004. Since the respondents did not consider the petitioner's representation, the present writ petition has been filed before this Court, with the above said prayer.

3.The third respondent/Transport Corporation stated that the representation dated 24.04.2019 of the petitioner for payment of the family pension will be considered, if there is no other legal impediment.

4.In the light of the above said submissions, without going into merits of the matter, this Court hereby directs the third respondent to consider the representation of the petitioner dated 24.04.2019 in accordance with law and in the light of the G.O.Ms.No.189, Transport, dated 13.08.2004 and pass appropriate orders as expeditiously as possible, preferably within a eight weeks, from the date of receipt of a copy of this order. If the third respondent is satisfied with the claim of the petitioner, he shall immediately forwarded the proposal to respondents 1 and 2 for sanctioning family pension to the petitioner.

5.Accordingly, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(J)

//True copy//

Sub Assistant Registrar

To

1.The Secretary,
Government of Tamilnadu
Transport Department,
Fort St.George,
Chennai - 9.

2.The Accountant General,
O/o., of the Accountant General,
Teynampet, Chennai - 18.

3.The Managing Director,
Metropolitan Transport Corporation Ltd.,
Pallavan Illam,
Chennai - 2.

4.The Regional Provident Fund Commissioner,
Employees' Provident Fund Organisation,
Royapettah, Chennai - 14.

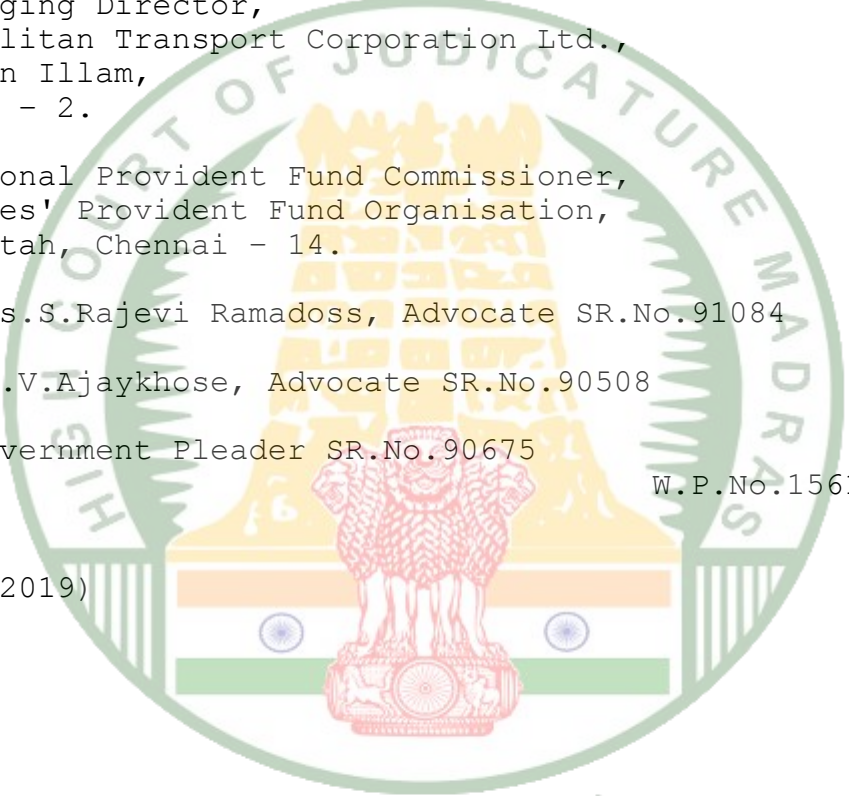
+1cc to Mrs.S.Rajevi Ramadoss, Advocate SR.No.91084

+1cc to Mr.V.Ajaykhose, Advocate SR.No.90508

+1cc to Government Pleader SR.No.90675

W.P.No.15610 of 2019

GMV (28/11/2019)



सत्यमेव जयते

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