



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2019

CORAM :

THE HON'BLE MR. JUSTICE M. DHANDAPANI

W.P. No.21305 of 2019

T.Savithri

... Petitioner

Vs.

1.The Additional Chief Secretary to Government,
Transport Department,
Secretariat,
Chennai - 600 009.

2.M/s.Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Rep. by its General Manager,
Vellore Division, Rangapuram,
Vellore - 632 009.

3.M/s.Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Rep. by its Managing Director,
No.3/137, Salamedu, Vazhureddy,
Villupuram.

4.M/s.Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
No.2, Pallavan Salai,
Chennai - 600 002.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in Ka.No.70276/Va.vai-1/Tha.Na.Aa.Po.Ka.(Vi)Va.Thu./Ve.Maa./2019 dated 17.04.2019 and quash the same and consequently to direct the 4th respondent to pay family pension.



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For Petitioner : Mr.R.Vimal

For R1 : Mr.R.S.Selvam
Government Advocate

For R2 to R4 : Mrs.Rajini Ramadoss
Standing Counsel

O R D E R

Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent dated 17.04.2019 and quash the same and consequently to direct the 4th respondent to pay family pension to the petitioner.

2.The case of the petitioner is that the petitioner's husband, Thirunavukarasu, was working as Conductor in the respondent Corporation and retired from service on 31.01.2017 on superannuation. Thereafter, the petitioner's husband was receiving his pension till his death, i.e. on 20.09.2017. After his death, the petitioner and her son Sivakumar, being the legal heirs of the deceased Thirunavukarasu, submitted a representation dated 21.03.2019 to the 2nd respondent, for family pension, however, the same was rejected vide order dated 17.04.2019. Challenging the said order and for grant of family pension, the petitioner has approached this Court by way of the present writ petition.

3.Learned counsel for the petitioner submitted that the petitioner and her son are the legal heirs of the deceased employee, Thirunavukarasu, and hence, they are eligible for receiving family pension from respondent Corporation and the same cannot be denied by the respondent Corporation.

4.Learned Standing Counsel appearing for the respondent Corporation, produced a copy of affidavit of the deceased Thirunavukarasu, dated 23.01.2017, wherein, he has sworn that, he does not want his family members to receive his family pension after his death, and submitted that, based on this affidavit, the 2nd respondent has rejected the claim of the petitioner for grant of family pension.

5.Heard the learned counsel on either side and perused the materials available on record.

6.The petitioner and her son are the legal heirs of the deceased Thirunavukarasu, which fact is not under dispute.



While such being the position, this Court is of the view that the impugned order rejecting the claim of the petitioner for family pension, based on a mere affidavit allegedly sworn by the petitioner's husband, is not sustainable under law. Therefore, the impugned order issued by the 2nd respondent dated 17.04.2019 is set aside and the respondent Corporation is directed to consider the claim of the petitioner and pass appropriate orders on the same positively within a period of eight weeks from the date of receipt of a copy of this order.

Accordingly, this writ petition is allowed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

bkn

To

1.The Additional Chief Secretary to Government,
Transport Department,
Secretariat, Chennai - 600 009.

2.The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
Vellore Division, Rangapuram,
Vellore - 632 009.

3.The Managing Director,
Tamil Nadu State Transport
Corporation (Villupuram) Ltd.,
No.3/137, Salamedu, Vazhureddy,
Villupuram.

4.The Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
No.2, Pallavan Salai,
Chennai - 600 002.

+1cc to M/s.S.Rajeniramadass, Advocate SR.98517

+1cc to the Government Pleader SR.98441

W.P. No.21305 of 2019

LN(CO)
CB(22/01/2020)