

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.32621 of 2019

B.Krishnaveni

...Petitioner

Vs.

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

2.The Managing Director,  
State Express Transport Corporation Ltd.,  
Pallavan Salai,  
Chennai-2

3.The Accountant General (Tamil Nadu),  
Anna Salai,  
Chennai-18

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to dispose the petitioner's representation dated 04.10.2019 and sanction family pension to the petitioner from 22.06.2019, the day following the date of the death of petitioner husband, in the light of the Judgment 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.No.11372 of 2015 dated 20.04.2015.

For Petitioner : Mr.S.Anbzhagan

For Respondents : Mr.K.S.Suresh,

Government Advocate

O R D E R

By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.The case of the petitioner is that the petitioner's husband joined in service in the year 1960 under erstwhile "Madras Transport Department" and thereafter he was absorbed in erstwhile Tiruvalluvar Transport Corporation (presently State Express Transport Corporation) in the year 1975 and retired in

the year 1996. While being so, on 21.06.2019 he died. Thereafter the petitioner made a request for grant of family pension on 24.06.2019. In response, the second respondent by letter dated 10.07.2019, replied that since her husband covered under EPF Pension Scheme, 1995, she is eligible to get family pension under the scheme alone and not eligible to get Government family pension. Again by a letter dated 31.07.2019, the petitioner made a request for family pension citing the judgments of Madras High Court wherein family pension was granted to similarly placed persons. However, by a letter dated 06.08.2019, her request was rejected by saying that the judgments are applicable to those individuals alone and not to the petitioner. Thereafter, on 04.10.2019, the petitioner made a representation in detail to the first respondent requesting to review the order of the second respondent, but till date the same has been not considered. Hence, the petitioner has filed the present petition.

3. Heard both sides.

4. The learned counsel for the petitioner submitted that it would suffice, if a direction is issued to the first respondent to consider the representation of the petitioner dated 04.10.2019 and pass orders, within a stipulated time fixed by this Court.

5. Though the petitioner has sought for a larger relief, this Court without going into the merits of the case, directs the first respondent to consider the petitioner's representation dated 04.10.2019 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of copy of this order.

6. With the above direction, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Secretary,  
State of Tamil Nadu,  
Transport Department,  
Chennai 600 009

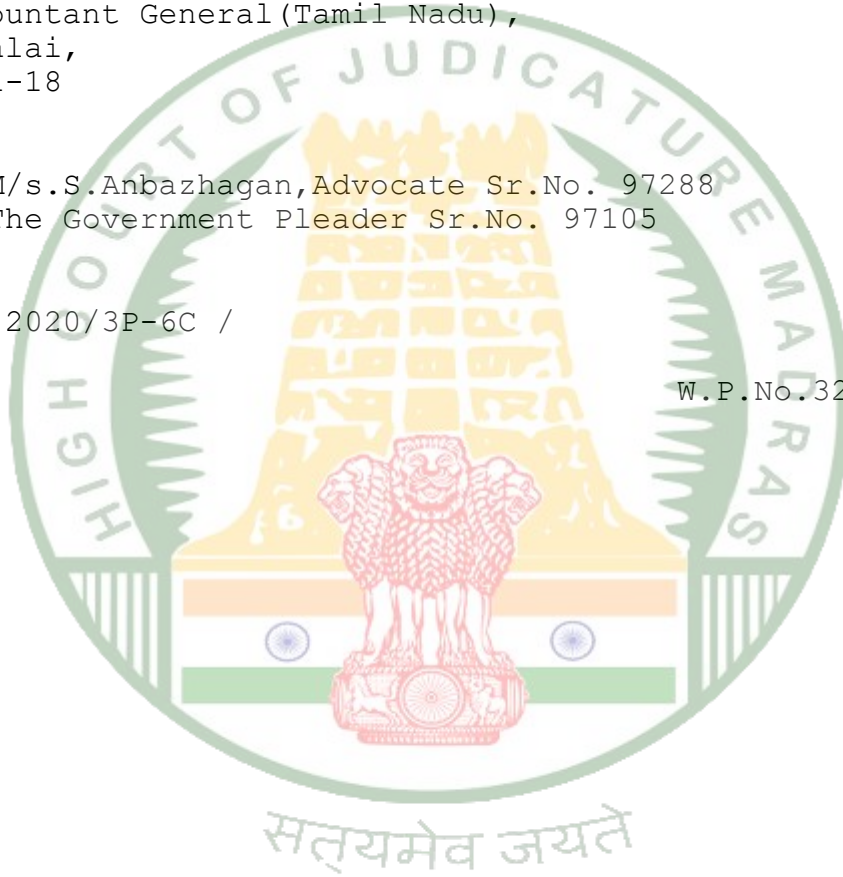
2.The Managing Director,  
State Express Transport Corporation Ltd.,  
Pallavan Salai,  
Chennai-2

3.The Accountant General (Tamil Nadu),  
Anna Salai,  
Chennai-18

+1 cc to M/s.S.Anbazhagan,Advocate Sr.No. 97288  
+1 cc to The Government Pleader Sr.No. 97105

AKM/06.01.2020/3P-6C /

W.P.No.32621 of 2019



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