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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2019

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Writ Petition No.33104 of 2019

P.Meenakshi Sundari

...Petitioners

Vs

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

2. The Secretary to Government
Finance Department, Secretariat
Chennai 600 009.

3. The Deputy Manager
(Metropolitan Transport Corporation)
State Express Transport Corporation
Tamil Nadu Limited,
Pallavan Salai,
Chennai 600 002.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records from the third respondent and quash the letter No.31035/O.Na.tha.B1/MTC/2018 dated 05.07.2019 and directing the respondents to grant family pension as per G.O.(MS)34 Transport (F1) Department, dated 04.03.2016.

For Petitioner : Mr.M.Antony Jesurajan

For Respondents: Mr.R.S.Selvam,
Government Advocate for R1 & R2
: Mrs.Rejeni Ramadoss (for R3)

O R D E R

The petitioner has sought for Writ of Certiorarified Mandamus to call for the records from the third respondent and quash the letter No.31035/O.Na.tha.B1/MTC/2018 dated 05.07.2019 and directing the respondents to grant family pension as per



G.O.(MS)34 Transport (F1) Department, dated 04.03.2016.

2.The case of the petitioner is that the petitioner's husband Mr.N.Panchapakesan was working as a Driver in the State Express Transport Corporation, Tamil Nadu Limited, Chennai and retired from service on 31.01.1996 and he had been receiving his pension vide PPO No.C76943/TPT till his death. The petitioner's husband died on 04.05.2011 leaving behind five legal heirs and after that the petitioner had not been receiving family pension under pension rules but receiving only EPF pension vide EPF.TN/6966.25717 under Employees Provident Fund Pension Scheme. On 20.11.2014 the petitioner approached the Deputy Secretary to Government, Transport Department requesting to grant family pension under pension rules but not under Employees Provident Fund Pension Scheme. On 15.03.2016 the petitioner sent a letter to Pension Pay Officer for Family Pension. On 17.03.2016 the Pension Pay Officer sent a reply to return the both halves of pension pay of order. On 29.03.2016 the petitioner handed over both halves of pension pay order to the Pension Pay Officer and on 29.09.2016 again the petitioner sent a letter to Managing Director, Metropolitan Transport Corporation, Chennai as well as to the Pension Pay Officer requesting to grant family pension instead of EPF pension. On 03.01.2017 the Pension Pay Officer sent a reply dated 30.12.2016 to IOB, Ullagaram Branch to furnish both halves of pension payment order and FSF application along with documents to take further action. On 10.04.2018 again the petitioner sent a letter to the first respondent as well as to the Public Information Officer, Transport Department, Secretariat for granting family pension. The Deputy Secretary to Government has given a reply that as per order passed in W.P.No.5004/2010 dated 05.09.2012, the Government passed an order vide G.O.No.34 Transport (F1) Department, dated 04.03.2016 granting Minimum Government Family Pension to the members of the State Transport and Transport Corporation Retired Employees Welfare Association and the State Transport and Transport Corporation retired Family Welfare Association. The petitioner is also one of the members of the above said Association and she is eligible for Family pension under the said G.O. Hence she sent a letter dated 03.06.2019 to the Secretary to Government, Transport Department and 2nd respondent to grant family pension. Now, the first and second respondents received her representation, but, till date, the respondents have not granted family pension based on her representation 03.06.2019. On 05.07.2019 the third respondent sent a reply to the petitioner rejecting her claim for Family Pension. But as per G.O.(Ms)34 dated 04.03.2016, Family Pension were granted to the legal heirs of other retired employees. Therefore questioning the correctness of the said Government Order the present writ petition has been filed.



3. The third respondent/Transport Corporation stated that the representation dated 03.06.2019 of the petitioner for payment of the family pension will be considered, if there is no other legal impediment.

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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 03.06.2019 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, she shall immediately forwarded a 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 (CO)

//True Copy//

Sub Assistant Registrar

Dpq

To

1. The Additional Chief Secretary to Government
Transport Department, Secretariat, Chennai 600 009.
2. The Secretary to Government
Finance Department, Secretariat
Chennai 600 009.
3. The Deputy Manager
(Metropolitan Transport Corporation)
State Express Transport Corporation
Tamil Nadu Limited,
Pallavan Salai, Chennai 600 002.

+1cc to Mr.S.Rajeni Ramadoss, Advocate, S.R.No. 100132
+1cc to Mr.M.Antony Jesurajan, Advocate, S.R.No. 99815
+1cc to the Government Pleader, S.R.No. 100444

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GMR(CO)
GN(07/01/2020)