

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2019

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.NO.34577 OF 2019

G.Vijaya

...Petitioner

Vs.

1. The Managing Director,
Tamilnadu State Transport Corporation (Coimbatore) Ltd.,
No.37, Mettupalayam Road,
Coimbatore District-641 043.

2. The Administrator,
Tamilnadu State Transport Corporation Employees
Pension Fund, No.2, Pallavan Salai, Chennai.

...Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the Respondents to pay the family pension at the rate of 50% of the last drawn wages viz., Rs.34172.60/- from the date of death of the petitioner's husband for the period of 7 years from his death viz., 29.01.2017 as per Clause 20(1) of the Tamilnadu State Transport Corporation Employees Pension Fund Rules and to direct the Respondent to pay the pension for the rest period after completion of 7 years in the manner enumerated as per the above said Rules and to direct the Respondent to pay the differential pension for the period from 01.03.2017 till the date of realization of the amount along with the interest at the rate of 18% per annum.

For Petitioner : Mr.P.Paramasiva Doss

For Respondents : Mr.P.Kannan Kumar
Standing Counsel

O R D E R

This writ petition has been filed for issuance of writ of mandamus directing the respondents to pay family pension at the rate of 50% of the last drawn wages in accordance with the rules.

2.It is the case of the petitioner that the husband of the petitioner was working in the Transport Corporation and he suffered from cancer and he died on 29.01.2017 leaving behind the petitioner and her daughter as legal heirs. The grievance of the petitioner is that the last drawn wages of her husband was Rs.34,172/- while he died in harness and that the family pension must be paid at 50% of his last drawn wage. The petitioner is placing reliance upon Clause 20(1) of the Tamilnadu State Transport Corporation Employees Pension Fund Rules. The petitioner has made a representation in this regard to the respondents on 20.09.2019. Since, the same has not been considered, the present writ petition has been filed before this Court.

3.Heard Mr.P.Paramasiva Doss, learned counsel appearing for the petitioner and Mr.P.Kannan Kumar, learned Standing Counsel appearing on behalf of the respondents.

4.Taking into consideration the facts and circumstances of the case and the limited relief that has been sought for in this writ petition, there shall be a direction to the first respondent to consider the representation dated 20.09.2019 made by the petitioner and pass appropriate orders in accordance with law within a period of eight weeks from the date of receipt of copy of this order. The petitioner is directed to give a fresh representation to the first respondent along with the copy of the representation dated 20.09.2019 and also a copy of this order.

5.This writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

rm

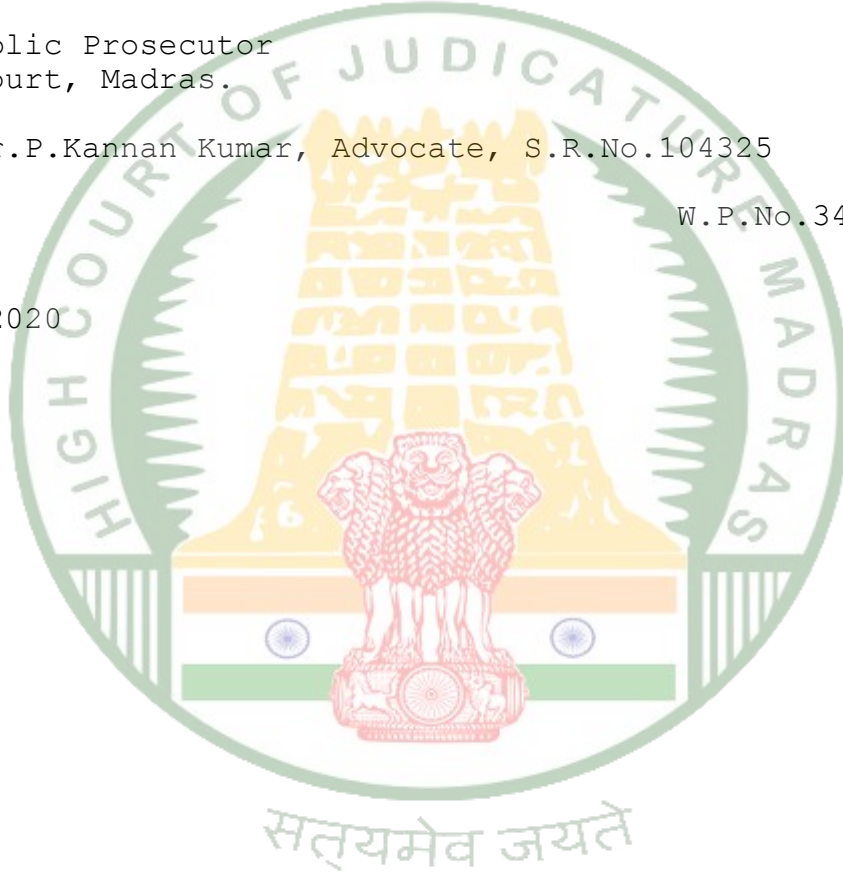
To

1. The Managing Director,
Tamilnadu State Transport Corporation (Coimbatore) Ltd.,
No.37, Mettupalayam Road,
Coimbatore District-641 043.
2. The Administrator,
Tamilnadu State Transport Corporation Employees
Pension Fund,
No.2, Pallavan Salai,
Chennai.
3. The Public Prosecutor
High Court, Madras.

+2cc to Mr.P.Kannan Kumar, Advocate, S.R.No.104325

W.P.No.34577 of 2019

AD(CO)
CS/03/03/2020



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