

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2019

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THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.23942 of 2014

N.S.Savithri

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Petitioner

Vs.

1.The Secretary to Government,
Transport (R.W.) Department,
Secretariat,
Chennai - 600 009.

2.The Managing Director,
Metropolitan Transport Corporation,
(Chennai Division) Ltd.,
Chennai - 600 002.

...

Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for issuance of Writ of Mandamus, directing the first respondent to sanction family pension from 16.04.2012 and pay arrears of pension to the petitioner within a time frame.

For Petitioner : Mr.C.Manohar

For Respondents : Mr.B.Anand
Government Advocate for R1
Mrs.Rajeni Ramadoss
Standing Counsel for R2

ORDER

In this Writ Petition, the petitioner seeks for a direction to the first respondent to sanction family pension from 16.04.2012 and pay arrears of pension to him within a time frame.

2. When the Writ Petition came up for hearing on 29.03.2019, the learned Standing Counsel appearing for the second respondent would submit that the claim of the petitioner

cannot be granted since the petitioner has already availed the pensionary benefits. According to the learned Standing Counsel for the second respondent, the petitioner is receiving EPF pension and unless the EPF pension is forego by the petitioner, she cannot seek double benefit from the Department under Government Order in G.O.Ms.No.110, dated 06.06.2002.

3. Today, the learned counsel for the petitioner submitted an affidavit filed by the petitioner dated 05.04.2019 before this Court, wherein, paragraph No.6, states that she has not received any family pension since death of her husband and in case it is received by the petitioner, she is prepared to forego EPF pension.

4. In reply, the learned Standing counsel appearing for the second respondent submitted that if the petitioner foregoes EPF pension, her request will be considered.

5. In view of the affidavit dated 05.04.2019 filed by the petitioner, there is no embargo for claiming family pension under the Government Order in G.O.Ms.No.110, dated 06.06.2002. Therefore, the petitioner is directed to make an application to the first respondent through the second respondent within a period of two weeks from the date of receipt of a copy of this order. It is needless to mention that a copy of the affidavit dated 05.04.2019 filed by the petitioner before this Court shall also be enclosed in the said representation. Thereafter, the respondents shall consider the said representation and pass appropriate orders as expeditiously as possible, preferably, within a period of twelve weeks thereafter.

6. With the above direction, the Writ Petition is disposed of. There is no order as to costs.

Sd/-

सत्यमेव जयते
Assistant Registrar(Insp.cell)

//True copy//

Sub Assistant Registrar

r n s

To

1.The Secretary to Government,
Transport (R.W.) Department,
Secretariat,
Chennai - 600 009.

2.The Managing Director,
Metropolitan Transport Corporation,
(Chennai Division) Ltd.,
Chennai - 600 002.

+1cc to Mrs.Rajeni Ramadoss, Advocate SR.No.35534

+1cc to Mr.N.Sundaramurthy, Advocate SR.No.34600

+1cc to Government Pleader SR.No.35323

W.P.No.23942 of 2014

LN (CO)
GMY (03/05/2019)



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