



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

W.P. (MD) No.3842 of 2019

S.Ambika

... Petitioner

Vs.

1.The Secretary to Government,
Transport Department, Secretariat,
Chennai -9.

2.The Managing Director,
State Express Transport Corporation Limited,
Chennai -2.

3.The Managing Director,
Tamilnadu State Transport Corporation
(Tirunelveli) Limited,
Tirunelveli Region, Tirunelveli.

4.The Assistant Commissioner,
Sub-Regional Office,
Employees Provident Fund Organisation,
No.66, Water Tank Road,
Nagercoil-1.

5.The Accountant General (Tamil Nadu),
Chennai -18.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the 1st respondent to sanction Family Pension under Rule 49 of the Tamil Nadu Pension Rules 1978 in the light of the orders of this Court in W.P.Nos.5004 and 17107 of 2010, dated 05.09.2012, which was complied in G.O.Ms.No.34, Transport (RW 1) Department, dated 04.03.2016 and also to extend the benefit of sanctioning Family Pension under the Tamil Nadu Pension Rules to similarly placed Tmt.V.Bhagavathi Amma, wife of late Thiru.K.Raghuvaran Nair, expired on 22.04.2007.

For Petitioner
For R1 and R4

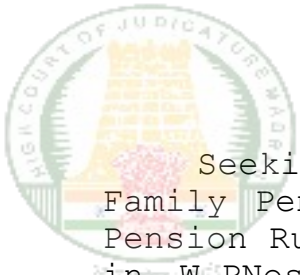
: Mr.S.Govindan
: Mrs.J.Padmavathidevi
Special Government Pleader

For R2 and R3

:Mr.K.Sathyasingh

For R5

:Mr.P.Gunasekaran

**ORDER**

Seeking for a direction to the first respondent to sanction Family Pension to the petitioner under Rule 49 of the Tamil Nadu Pension Rules 1978 and also in the light of the order of this Court in W.PNos.5004 and 17107 of 2010, dated 05.09.2012, which was complied with by the Government vide G.O.Ms.No.34, Transport (RW1) Department, dated 04.03.2016, the present writ petition has been filed.

2.Heard the learned Counsel appearing on both sides and perused the materials available on record.

3.It is the case of the petitioner that her husband was working as a Driver in the respondent Corporation and retired from service on 30.06.1993 and he received pension till his death on 19.04.2002. After the death of her husband, the family pension was not given to the petitioner. In this regard, by relying on the order of this Court in W.PNos.5004 and 17107 of 2010, dated 05.09.2012 and G.O.Ms.No.34, Transport (RW1) Department, dated 04.03.2016, she made a representation, dated 17.12.2018 to the respondents and the same is pending. According to the petitioner, similar benefit was extended to one V.Bhagavathi Amma, who is the wife of the deceased K.R.Raghuvaran Nair. However, she has not been paid the family pension so far. Hence, she has knocked at the doors of this Court, with the present writ petition.

4.The learned respective Counsel appearing for the respondents, submitted that the representation of the petitioner would be considered, on merits within the time stipulated by this Court.

5.Under such facts and circumstances of the case and also having regard to the submissions made by the parties, this Court, without going into the merits of the case, directs the respondents to consider the representation of the petitioner, dated 17.12.2018, on merits and in accordance with law and also keeping in mind the order of this Court in W.PNos.5004 and 17107 of 2010, dated 05.09.2012 and G.O.Ms.No.34, Transport (RW1) Department, dated 04.03.2016, and pass appropriate orders, after affording opportunity of hearing to the petitioner within a period of eight weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (Writs)

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To

1.The Secretary to Government,
Transport Department, Secretariat,
Chennai -9.

2.The Managing Director,
State Express Transport Corporation Limited,
Chennai -2.

3.The Managing Director,
Tamilnadu State Transport Corporation
(Tirunelveli) Limited,
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4.The Assistant Commissioner,
Sub-Regional Office,
Employees Provident Fund Organisation,
No.66, Water Tank Road,
Nagercoil-1.

5.The Accountant General (Tamil Nadu),
Chennai -18.

+1CC TO MR.S.GOVINDAN, Advocate Sr. No.55842
+1CC TO MR.K.SATHIYA SINGH, Advocate Sr. No.56207
+1CC TO MR.P.GUNA SEKARAN, Advocate Sr. No. 56351
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.56281

ORDER MADE IN
W.P. (MD) No.3842 of 2019
21.03.2019

SRK(CO)
TR (06.05.2019) 3P 10C