



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2019

CORAM:

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

W.P.(MD)No.9257 of 2015

WEB COPY

L.Varadha Devi

... Petitioner

Vs.

1.Government of Tamilnadu,
represented by its Special Commissioner
&Secretary to Government,
Transport Department,
Fort St.George, Chennai - 600 009.

2.The Managing Director,
Tamilnadu State Transport Corporation,
Tirunelveli.

3.The General Manager,
Tamilnadu State Transport Corporation,
Ranithottam, Nagercoil,
Kanyakumari District.

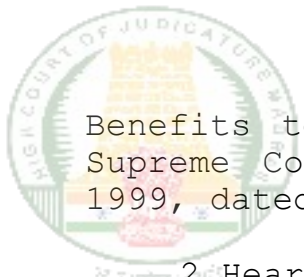
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records on the file of the third respondent pertaining to its order bearing Letter No,8533/Aae4/Tha.Po.Ka(Thili)/Nagar/92, dated 12.08.2014 and quash the same and consequently direct the respondents to forthwith extend the Government Family Pensionary Benefits to the petitioner from the date fixed by the Honourable Supreme Court as 01.01.1988 in Civil Appeal Nos.1446 to 1452 of 1999, dated 29.10.2003.

For Petitioner	: Mr.S.Sivakumar
For R1	: Mrs.J.Padmavathidevi
	Special Government Pleader
For R2	: Mr.K.Sathiyasingh

ORDER

This writ petition is filed to quash the proceedings of the third respondent, dated 12.08.2014 and for a consequential direction to the respondents to extend the Government Family Pensionary



Benefits to the petitioner from the date fixed by the Honourable Supreme Court as 01.01.1988 in Civil Appeal Nos.1446 to 1452 of 1999, dated 29.10.2003.

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 the petitioner's husband was working as Driver in the respondent Corporation and after his death, she approached the respondents for family pension by relying upon G.O.Ms.No.42, dated 27.05.2005. However, the respondents rejected her claim by proceedings dated 12.08.2014, on the ground that she was already getting Provident Fund benefits. Hence, she approached this Court with the present writ petition.

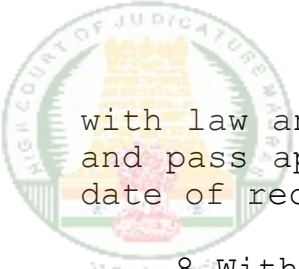
4. The learned Counsel for the petitioner submitted that the issue involved in this case has already been settled by this Court on 28.10.2015, in W.P.No.34176 of 2015, in **R.Radha vs the State of Tamil Nadu and others**, wherein, this Court directed the first respondent therein to consider the petitioner's representation in the light of the Government Orders and the relevant portion of the said order reads as follows:

"4. In the similar facts and circumstances, the cut off date was put to challenge in W.P.No.35643 of 2007 and it was dismissed and the W.A.No.1246 of 2009 filed by the appellant/ writ petitioner therein was allowed on 18.08.2010 and it was put to challenge by the Government in S.L.P..(Civil) C.C.No.8381 of 2011 and the same was also dismissed on 13.05.2011 and it was also given effect to by the first respondent in G.O.(3D)No.38, Transport Department, dated 07.09.2011. Similarly, two other wives, like the petitioner, have filed writ petitions and got favourable orders and the said orders were also implemented by the 1st respondent vide G.O.(3D)Nos.20 and 22, Transport (RW1) Department, dated 18.07.2013 and 25.07.2013 respectively and hence there cannot be any impediment on the part of the respondent to pass appropriate orders"

5. Even though the writ petition is filed to quash the impugned order, the learned Counsel for the petitioner confines the prayer to the effect that a similar direction may also be issued in this case.

6. The learned Special Government Pleader has no serious objection for such a prayer.

7. In the light of decision cited supra and also considering the submissions made by learned Counsel on either side, this Court directs the first respondent to consider the petitioner's representation, dated 01.04.2013 afresh, on merits and in accordance



with law and also by taking note of the above said Government Order and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

8. With the above direction, the writ petition is disposed of.
No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Special Commissioner
& Secretary to Government,
Government of Tamil Nadu,
Transport Department,
Fort St. George, Chennai - 600 009.
2. The Managing Director,
Tamilnadu State Transport Corporation,
Tirunelveli.
3. The General Manager,
Tamilnadu State Transport Corporation,
Ranithottam, Nagercoil,
Kanyakumari District.

+1cc to Mr. S. Sivakumar, Advocate, SR.No. 54061
+1cc to Mr. K. Sathiyasingh, Advocate, SR.No. 54023
+1cc to M/s. Special Government Pleader, SR.No. 54529

W.P. (MD) No. 9257 of 2015
14.03.2019

CMR
KK/SAR/20.05.2019/ 3P- 7C