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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 18.09.2019
CORAM:
THE HONOURABLE MS.JUSTICE V.M.VELUMANI
W.P(MD)No.20068 of 2019

B.Swarnam ... Petitioner

vs.

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

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

3.The Managing Director,
Tamil Nadu State Transport Corporation
(Tirunelveli) Limited,
Tirunelveli Region,
Tirunelveli District.

4.The Assistant Commissioner,
Sub-Regional Office,
Employees Provident Fund Organization,
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 for issuance of a Writ of Mandamus, to direct the first respondent to re-fix the family pension in the light of the orders passed in W.P.Nos.5004 and 17107 of 2010 dated 05.09.2012, complied in G.O.Ms.No.34, Transport (RW1) Department, dated 04.03.2016 for the similarly placed person Tmt.Bhagavathi Amma, W/o.late.K.Raghuvaran Nair, expired on 27.04.2007 within the time stipulated by this Court.

For Petitioner : Mr.S.Louis

For R - 1 : Mr.V.Anand,
Government Advocate.

For RR 2 & 3 : Mr.K.Sathiya Singh

For R - 5 : Mr.P.Gunasekaran

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ORDER

This writ petition is filed seeking for a Writ of Mandamus, to direct the first respondent to re-fix the family pension in the light of the orders passed in W.P.Nos.5004 and 17107 of 2010 dated 05.09.2012, complied in G.O.Ms.No.34, Transport (RW1) Department, dated 04.03.2016, for the similarly placed person Tmt.Bhagavathi Amma, W/o.late.K.Raghuvaran Nair, expired on 27.04.2007, within the time stipulated by this Court.

2. Mr.V.Anand, learned Government Advocate accepts notice on behalf of the first respondent, Mr.K.Sathiyasingh, learned counsel accepts notice on behalf of the respondents 2 and 3 and Mr.P.Gunasekaran, learned counsel accepts notice on behalf of the fifth respondent. In view of the limited scope of the relief sought for in the present writ petition by the petitioner and no adverse order is going to be passed in the present writ petition against the fourth respondent, notice to the fourth respondent is dispensed with.

3. By consent of both parties, the main Writ Petition is taken up for final disposal at the stage of admission itself.

4. According to the petitioner, her husband was working as a Checking Inspector in the respondent Corporation and he died on 06.02.1985, while he was in service. After the death of her husband, a sum of Rs.1,000/- was given as family pension to the petitioner. In this regard, by relying on the order of this Court in W.P.Nos.5004 and 17107 of 2010 dated 05.09.2012, complied in G.O.Ms.No.34, Transport (RW1) Department, dated 04.03.2016, she made a representation, dated 19.03.2018 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 with the eligible family pension so far. Hence, the petitioner has filed the present Writ Petition.

5.Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the first respondent, Mr.K.Sathiyasingh, learned counsel appearing for the respondents 2 and 3 and Mr.P.Gunasekaran, learned counsel appearing for the fifth respondent

6.Considering the nature of the relief sought for in the Writ Petition, this Court, without going into the merits of the case, directs the respondents to consider the representation of the petitioner, dated 19.03.2018, taking into account the orders of this Court in W.P.Nos.5004 and 17107 of 2010 dated 05.09.2012, complied in G.O.Ms.No.34, Transport (RW1) Department, dated 04.03.2016 and pass appropriate orders on merits and in accordance

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with law, within a period of eight weeks from the date of receipt of a copy of this order.

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

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Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar(CS)

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To

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

+1 CC to M/s.P.GUNASEKARAN, Advocate (SR-87660[F] dated 19/09/2019)

+1 CC to M/s.SPL GP (SR-87969[F] dated 19/09/2019)

+1 CC to M/s.S.LOUIS, Advocate (SR-87895[F] dated 19/09/2019)

W.P(MD)No.20068 of 2019
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