

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

W.P.No.10118 of 2016

Jaya (since deceased)

Ms. Manjula Devi,

Daughter of Late. Smt.Jaya

(2nd Petitioner impleaded vide order of this Court, dated 09/01/2020 in W.M.P.31322/2019 in W.P.No.10118 of 2016)

... Petitioner

versus

1.The Managing Director,
Tamil Nadu State Transport Corporation,
(Villupuram) Limited,
Kancheepuram Division,
Villupuram (Town).

2.The General Manager (Accts / Admin)
Tamil Nadu State Transport Corporation,
Kancheepuram Division,
Near Ponnerikkarai,
Chennai Bangalore High Road,
Karaipettai Post,
Kancheepuram - 631 552.

3.The Accountant General,
Government of Tamil Nadu and Puducherry,
Teynampet, Chennai - 18.

4.B. Elizabeth

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the second respondent to dispose of the petitioner's representation dated 02.03.2016 for furnishing the required details of quantum of family pension fixed to the legally wedded heirs per month outstanding arrears of pension to be paid and if any more accumulated credit amounts thereon and other welfare amount on behalf of the petitioner.

For Petitioner : Mr.V. Jayashanker

For RR 1&2 : Mr.S. Sairaman

For R3 : Mrs.T.S. Selvarani

For R4 : Mrs.N. Fidelia

O R D E R

This writ petition has been filed by the writ petitioner seeking for a direction to the second respondent to dispose of the petitioner's representation dated 02.03.2016 for furnishing the required details of quantum of family pension fixed to the legally wedded heirs per month, outstanding arrears of pension to be paid and if any more accumulated credit amounts thereon and other welfare amount on behalf of the petitioner.

2. The case of the petitioner is that she is the legally wedded wife of late K.Balan in 1967, who retired from service as 1st Craftsman in the Tamil Nadu State Transport Corporation on 31.05.2002, after having rendered services in the respondents 1&2/Transport Corporation for the past 25 years and he died on 26.05.2010. The name of the petitioner was entered in his service records during the course of his employment. Therefore, the petitioner's claim of pension benefits of her deceased husband cannot be suspected or denied and 4th respondent alleges that she is the wife of the deceased husband of the petitioner. Thereafter, in respect of her bona-fide claim, the legal heirship certificate was issued by the Tahsildar, vide No.Ni.Mu.27900/10, dated 24.12.2010. However, she had already submitted copies of documents to the respondents 1&2/Transport Corporation. Therefore, the petitioner cannot be suspected as to whether she is his wife or not? Even assuming, without admitting, that if any one, other than her, has made any rival claim for the pensionary benefits of her deceased husband, then it will be a fraudulent one, besides the fourth respondent is an illegitimate wife of her deceased husband. Hence, the respondents 1&2/Transport Corporation are bound to sanction the pensionary benefits to the petitioner, who is entitled for the same as a bona-fide wife of the deceased employee of the respondents 1&2/Transport Corporation.

3. The learned counsel appearing for the petitioner submitted that the petitioner has made a representation dated 02.03.2016 to grant outstanding arrears of pension to the writ petitioner, but no order has been passed by the respondents. Therefore, the petitioners have come forward with the present writ petition before this Court.

4. The learned counsel appearing for the second respondent would submit that the petitioner made a representation to the third respondent and only copies were marked to the second respondent. If any such representation is made to the second respondent, the same will be considered in accordance with the Rules.

5. The learned counsel appearing for the writ petitioner submitted that the legal heirs of the deceased writ petitioner will submit a copy of the said representation to the second respondent, upon which, the second respondent may pass appropriate orders as may be directed by this Court for disposal of the said representation.

6. By considering the aforesaid submissions made by the parties concerned, without expressing any opinion on the merits of the matter, the second respondent is directed to consider the petitioner's representation dated 01.03.2016. A copy of such representation shall be submitted by the impleaded legal heir of the deceased petitioner to the second respondent within period of two weeks from the date of receipt of a copy of this order. On receipt of a copy of such representation being made, the second respondent shall consider the aforesaid representation and pass appropriate orders, on merits in accordance with law as expeditiously as possible, within a period of six weeks thereafter.

7. The writ petition is disposed of in the above terms. No costs.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

msm

To

1.The Managing Director,
Tamil Nadu State Transport Corporation
(Villupuram) Ltd.,
Kancheepuram Division,
Villupuram (Town).

2.The General Manager (Accts / Admin),
Tamil Nadu State Transport Corporation,
Kancheepuram Division,
Near Ponnerikkarai,

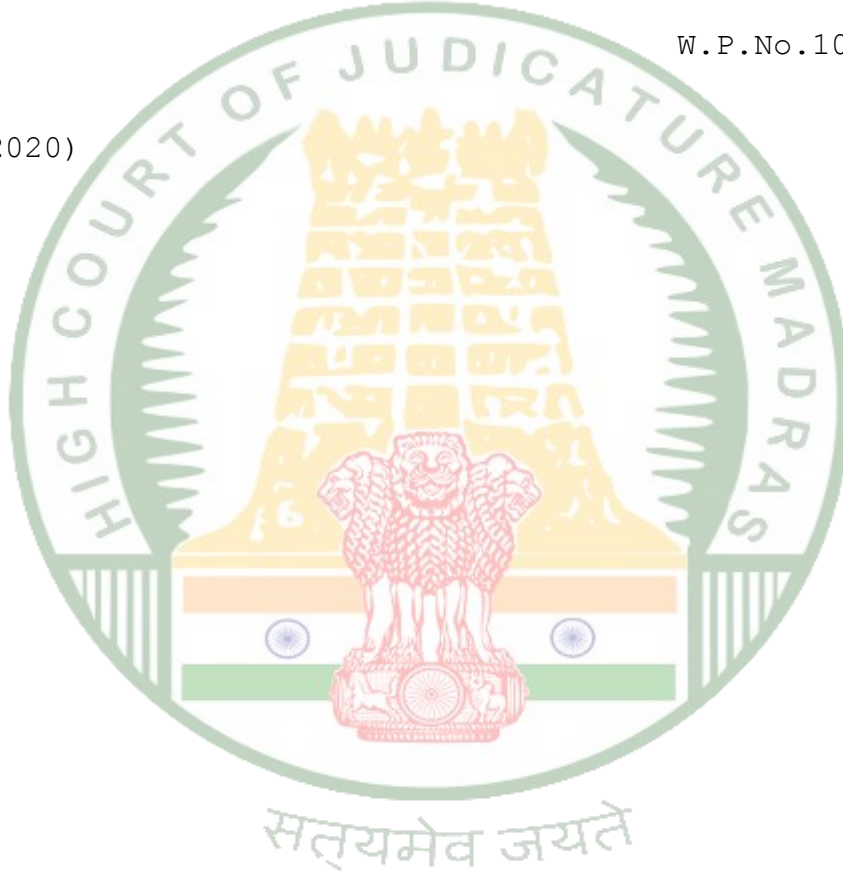
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Kancheepuram - 631 552.

3.The Accountant General,
Govt. of Tamil Nadu and Puducherry,
Teynampet, Chennai - 600 018.

+1 CC to Mr.N.A. Sadique, advocate sr 2452.
+1 CC to Mr.N. Fidelia, Advocate sr 2426.
+1 Cc to Mr.S. Sairaman, Advocate sr 2181

W.P.No.10118 of 2016

SSI (CO)
SP(02/03/2020)



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