

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.01.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.1669 of 2020

Mrs.K.G.Retnamma

...Petitioner

Vs.

1. The State of Tamil Nadu,
Rep., By its Secretary,
Transport Department,
Secretariat, Chennai 600 009.

2. Metropolitan Transport Corporation (Chennai) Limited,
(Old Pallavan Transport Corporation Limited),
Rep., by its Managing Director,
Pallavan Salai, Chennai - 600 002.

3. The Commissioner,
Employees Provident fund,
Regional Office,
No.20, Royapettah High Road,
Chennai - 600 014.

..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to grant family pension and for payment of arrears of family pension to the petitioner from 14.05.2017, the day following the date of the death of the petitioner's husband by following the judgements in W.A.No.1246 of 2009 dated 18.08.2010 and in WP No.35674 of 2005 dated 20.09.2011 and in W.P.No.11372 of 2015 dated 20.04.2015.

For Petitioner : Mr.V.S.Jagadeesan

For Respondents: Mr.S.N.Parthasarathy
Government Advocate for R1

Mr.D.Raghu,
Standing Counsel for R2 and R3

O R D E R

This writ petition has been filed for the issue of writ of Mandamus directing the 1st respondent to grant family pension to the petitioner.

2. It is seen from records that the husband of the petitioner was working in the transport corporation. He retired in the year 1996. There were various Government Orders, which extended the benefit of family pension to the erstwhile Tamil Nadu State Transport Department employees. There were also orders passed by this Court in that regard. The husband of the petitioner died in the year 2017 and the petitioner is seeking for family pension. The petitioner has made a representation to the respondent, requesting for family pension. Since the same has not been considered, the present writ petition has been filed before this Court.

3. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondent.

4. Taking into consideration the facts and circumstances of the case and also the latest GO Ms.No.387 dated 10.12.2019, this Court deems it fit to direct the 1st respondent to consider the representation made by the petitioner dated 16.08.2019, in line with the latest Government order that has been referred supra and pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order. The petitioner is directed to make a fresh representation to the 1st respondent along with a copy of the earlier representation dated 16.08.2019 and also a copy of this order.

5. This writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
The State of Tamil Nadu,
Transport Department,
Secretariat, Chennai 600 009.

2. The Managing Director,
Metropolitan Transport Corporation (Chennai) Limited,
(Old Pallavan Transport Corporation Limited),
Pallavan Salai, Chennai - 600 002.

3. The Commissioner,
Employees Provident fund,
Regional Office,
No.20, Royapettah High Road,
Chennai - 600 014.

+1cc to Mr.V.S.Jagadeesan, Advocate SR.5793
+1cc to the Government Pleader SR.6686

W.P.No.1669 of 2020

RSY(CO)
CB(03/02/2020)