

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.4602 of 2020

Mariyarosily

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep.by its Additional Chief Secretary
Transport Department,
Secretariat, Chennai - 600 009.
- 2.State Express Transport Corporation Ltd.,
(Old name - Thiruvalluvar Transport Corporation)
Rep.by its Managing Director,
No.2, Pallavan Salai,
Chennai - 600 002.
- 3.The Commissioner of Employees Provident Fund,
Royapettah, Chennai - 600 014. ... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of mandamus, directing the first respondent to grant family pension and consequently pay the arrears of family pension from 14.01.2018 i.e., from the date of death of the petitioner's husband in the light of the orders passed by this Court in W.A.No.1246 of 2009 dated 18.08.2010 and in W.P.No.12250 of 2019 dated 05.12.2019 by considering the representation of the petitioner dated 06.02.2019.

For Petitioner : Mr.D.Soundar Raj

For Respondents: Mr.P.S.Siva Shanmuga Sundaram, for R1
Special Government Pleader
: Mr.V.Kathiresan, for R2
: Mr.T.R.Sundaram, for R3

O R D E R

This writ petition has been filed for the issue of writ of mandamus directing the respondents to consider the representation made by the petitioner on 06.02.2019 and to grant her the family pension and arrears of family pension.

2. The case of the petitioner is that her husband was working as a Conductor in the respondent corporation. He expired on 13.01.2018 leaving behind the petitioner, daughters

and sons. Further case of the petitioner is that the pension was sanctioned in favour of her husband and he received pension till his death. After the death of the husband of the petitioner, the petitioner was not paid any family pension. The petitioner made a detailed representation on 06.02.2019 claiming for family pension and arrears of family pension by relying upon the earlier Government order and the orders passed by this Court. Since the same was not considered, the present writ petition has been filed seeking for appropriate direction.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondents.

4. Taking into consideration of the facts and circumstances of the case and the limited relief that has been sought for in this writ petition, there shall be a direction to the first respondent to consider the representation made by the petitioner on 06.02.2019 and pass appropriate orders within a period of six weeks from the date of receipt of copy of this order, in line with the earlier Government orders and the orders passed by this Court. The petitioner is directed to make a fresh representation to the first respondent along with a copy of the representation dated 06.02.2019 and a copy of this order. The petitioner shall mark a copy of the representation to the second and third respondents also.

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

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

AT

To

- 1.The Additional Chief Secretary
State of Tamil Nadu,Transport Department,
Secretariat, Chennai - 600 009.
 - 2.The Managing Director,
State Express Transport Corporation Ltd.,
(Old name - Thiruvalluvar Transport Corporation)
No.2, Pallavan Salai,Chennai - 600 002.
 - 3.The Commissioner of Employees Provident Fund,
Royapettah, Chennai - 600 014.
- +1cc to Mr.D.Soundar Raj, Advocate, Sr.No.16528.
+1cc to The Government Pleader, Sr.No.17186.

W.P.No.4602 of 2020

SV(CO)

klt(21/05/2020)