

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.32234 of 2013

R.Dillibai

... Petitioner

Vs

1. Secretary to Government,
Transport (R.W.1) Department,
Secretariat,
Chennai - 600 009.

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

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus directing the respondents to sanction Family Pension to the petitioner with effect from 08.02.2008, as per G.O. Ms.No.110 Transport Department dated 06.06.2002.

For Petitioner : Mr.C.Manohar

For Respondents: Mr.A.N.Thambidurai,
Special Government Pleader for R1
Mr.C.S.K.Sathish for R2

सत्यमेव जयते
ORDER

(This case has been heard through video conferencing)

The prayer sought for herein is for a writ of Mandamus to direct the respondents to sanction Family Pension to the petitioner with effect from 08.02.2008, as per G.O. Ms.No.110 Transport Department dated 06.06.2002.

2. It is the case of the petitioner that her husband rendered services in the erstwhile Tamil Nadu State Transport Department from 08.02.1954 and thereafter he was absorbed as

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employee in Pallavan Transport Corporation. In all her husband rendered services for a period from 08.02.1954 to 30.04.1975. Initially, the services of her husband were not covered under pension scheme and later on introduction of new pension scheme, her husband was eligible for pension. Hence her husband made a request for availing pension, which was rejected on the ground of non-exercising of option. Subsequently, her husband filed the claim petition, which was allowed by the Labour Court and aggrieved by the same, respondent filed the Writ Petition in W.P. No. 7832 of 2009. Pending Writ petition, her husband died, accordingly she was substituted and directions were issued by this Court to the respondent /Corporation to make the entire amount to the credit of C.P. along with interest. Thereafter, the respondent /Corporation made a payment of Rs.1,12,800/- towards pension arrears due to her husband. Likewise, she is entitled to get family pension as per G.O. Ms. No.110 Transport Department for the aforesaid period along with payment of arrears as she is the surviving legal heir of her deceased husband. In this regard, she submitted representation dated 9.10.2013 to the respondents, which has not evoked response till date, which prompted filing the present writ petition.

3. Learned counsel for the petitioner would submit that as per G.O. Ms.No.110, the petitioner is eligible to get family pension. In spite of representation made, the relief sought for by the petitioner was not considered. Hence, he prays for an appropriate direction to the respondents for sanction of family pension to the petitioner on the basis of her representation in accordance with law, within a time frame as stipulated by this Court.

4. Learned Special Government Pleader appearing for the 1st respondent would submit that during the pendency of the writ petition, the petitioner's husband passed away. Accordingly, the 2nd respondent may be directed to verify the credentials as to the petitioner being the surviving legal heir of the deceased employee and, thereafter, sanction family pension in accordance with the Government Order, cited supra, within a reasonable time as prescribed by this Court.

5. Mr.C.S.K. Sathish, learned counsel appearing for the 2nd respondent / Corporation fairly conceded with the submissions of the learned counsel for the petitioner and further submitted that if the petitioner may be directed is to submit the representation afresh and the same would be considered on merits and in accordance with law within the time frame fixed by this Court.

6. In view of the limited relief sought for, this court without going into the merits of the issue, directs the petitioner to submit a fresh representation to the respondents within a period of two weeks from the date of receipt of a copy of this order and on receipt of the said representation, the second respondent is directed to consider the same and pass orders on disbursement of pension payable to the petitioner, if any, on merits and in accordance with law, within a period of twelve weeks thereafter.

7. In the result, the writ petition stands disposed of in the above terms. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi2

To

1. The Secretary to Government,
Transport (R.W.1) Department,
Secretariat,
Chennai - 600 009.

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

+1cc to the Government Pleader SR.36306

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