



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.11955 of 2020

WEB COPY

V.Thalirkodi

... Petitioner

Vs.

1) Tamil Nadu State Transport Corporation Ltd.,
Rep. by its Managing Director,
Madurai Division, Bye Pass Road,
Madurai 625 016

2) The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Madurai Region, Bye Pass Road,
Madurai 625 016

3) The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai,
Chennai 600 002

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to settle the Family Pension to the petitioner being the legal heir and wife of deceased husband with effect from 01.08.2019, in lieu of death of petitioner's husband Thiru.M.Vikkraman along with pension arrears together with interest at the rate of 12%.

For Petitioner : Mr.S.Govindan

For Respondents : Mr.J.Senthilkumaraiah,
Standing Counsel

O R D E R

The prayer sought for in this writ petition is for a Writ of Mandamus, to direct the respondents to settle the Family Pension to the petitioner, who is being the legal heir and wife of the deceased husband, with effect from 01.08.2019, in lieu of death of petitioner's husband Thiru.M.Vikkraman along with pension arrears together with interest at the rate of 12%.



2. The petitioner's husband was working as a Conductor in the respondent Corporation and he retired from service on superannuation on 28.02.2018. Earlier the petitioner's husband had wedded one Arumaikani in the year 1980 and had lived with her for some years and it also seems that, both divorced and got separated on 17.12.2005.

3. In the meanwhile, the petitioner claimed that, she got married with the petitioner's husband i.e., the deceased employee, some time in the year 1997. Out of the wedlock, they gave birth to a female child by name, Surya. In that circumstances, on 14.07.2019, the petitioner's husband died and in this regard, the petitioner also had obtained the legal heir certificate from the Tahsildar concerned, dated 23.01.2020, where the name of the petitioner as well as her daughter Surya alone has been shown as legal heirs. Therefore, the deceased employee has got a family i.e. only the legal heirs namely, the petitioner and her daughter Surya. Hence, the petitioner claimed that, they are entitled for getting family pension benefits of the deceased employee, and made a request by way of representation on 06.03.2020 and the said representation, since has not been considered, the petitioner filed the present writ petition with the aforesaid prayer.

4. Mr.S.Govindan, learned counsel appearing for the petitioner would submit that, if the said representation, dated 06.03.2020 is directed to be considered by the respondents and accordingly, decide the said plea of the petitioner for getting family pension benefits of the petitioner's husband, within a time frame and if an order to that effect is directed to be passed, the petitioner would be satisfied.

5. Heard Mr.J.Senthilkumaraiah, learned standing counsel appearing for the respondents, who would submit that, the said representation of the petitioner, dated 06.03.2020 will be considered on merits and an order to that effect would be passed, after verifying the records, which have already been produced by the petitioner and if further records are required, that would be called for and accordingly a decision would be taken in this regard.

6. Considering the said submission made by both sides and in view of the limited scope of the prayer sought for in this writ petition, this Court is inclined to dispose of this writ petition with the following orders:-

" that the respondents are hereby directed to consider the representation of the petitioner, dated 06.03.2020 and pass orders thereon on merits and in



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

7. It is made clear that, in this regard, if the respondents want any further documents to establish, that the petitioner and her daughter are entitled to get the family pension benefits payable to the deceased employee i.e., husband of the petitioner, those documents also can be called for and after verifying those documents, and by conducting a limited enquiry to that effect, necessary decision can be taken within the time period stipulated above.

8. With these directions, this Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(P & A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1) The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Madurai Division, Bye Pass Road, Madurai 625 016
- 2) The General Manager,
Tamil Nadu State Transport Corporation Ltd.,
Madurai Region, Bye Pass Road, Madurai 625 016
- 3) The Administrator,
Tamil Nadu State Transport Corporation
Employees Pension Fund Trust,
Thiruvalluvar Illam, Pallavan Salai, Chennai 600 002

+1 CC to M/s.S. GOVINDAN, Advocate (SR-17344[F] dated 18/09/2020)

Order made in

W.P. (MD) No.11955 of 2020

Dated: 17.09.2020

CK(CO)

<https://hcservices.courts.gov.in/home/vices> EP (19-11-2020) 3P 5C