



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE RMT. TEEKAA RAMAN

WP(MD).No.1187 of 2014

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J. Dhanalakshmi

: Petitioner

Vs.

1.The Government of Tamil Nadu,
represented by Secretary Transport Department,
Saint George Fort,
Chennai - 600 009.

2.The Executive Officer,
Tamil Nadu State Transport Corporation Pension Trust,
Thiruvalluvar Illam,
Pallavaram Road,
Chennai - 600 002.

3.The General Manager,
Tamil Nadu State Transport Corporation,
Dindigul Division,
Dindigul District.

: Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to provide family pension to the petitioner from the date of death of petitioner's husband that is on 28.10.2010 to till date and also in the future month without fail.

For petitioner	: Mr.C.M. Arumugam
For R1	: Mr. D. Muruganantham Additional Government Pleader
For R2 and R3	: Mr. Senthil Kumariah

ORDER

The petitioner, who is the wife of one Late R. Jeyapalan, has filed the present Writ Petition seeking a direction to the respondents to provide family pension to her from the date of death of petitioner's husband i.e., on 28.10.2010 to till date and also in the future month without fail.

2. According to the petitioner, her husband was working as a Security Guard in the third respondent Corporation and retired from service on attaining the age of superannuation i.e.



on 31.03.2005. Previously, he served with the Indian Army and after his discharge, he joined in the respondent / corporation as Security Guard on 24.11.1983. After the retirement, the petitioner's husband received monthly pension from 01.04.2005 to 31.12.2010 from the respondent / Corporation.

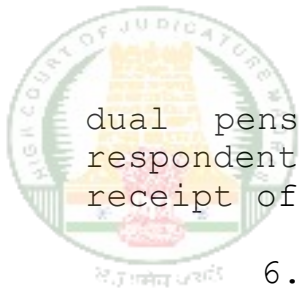
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3. This writ petition has been filed by the petitioner seeking dual pension for the service rendered by her husband in Indian Army and also for the service rendered by her husband with the third respondent / Tamil Nadu State Transport Corporation. During the pendency of the Writ Petition, the relief sought for by the petitioner has been duly considered by the Government in G.O.Ms.No.493, dated 13.12.2007, wherein at paragraph No.4 it has been held as follows:

"4. After careful examination, the Government has decided to sanction family pension for the families of the deceased Ex-Serviceman who have served in the State Transport Undertakings and earned a pension out of the reemployment prior to 01.04.2003 (i.e.,) before introduction of Contribution Pension Scheme, in addition to Military Family Pension already drawn by them, on the basis of guidelines issued in the G.O 2nd cited subject to conditions that the entire expenditure will borne by Tamil Nadu State Transport Corporation Employees Pension Fund Trust without financial assistance from Government in any form."

4. In view of the above G.O, this Court is of the considered view that the petitioner is entitled to get the dual pension as stated in the said G.O. However, certain procedure has been contemplated in para 4 of the G.O for sanction of such pension.

5. In view of the above, the petitioner is hereby directed to make a representation to the third respondent to furnish the service particulars of her husband. On receipt the same, the third respondent shall furnish the details to the petitioner within a period of four weeks from the date of receipt of the said representation. Thereafter, the petitioner can move the second respondent and in view of the aforesaid G.O, the second respondent is directed to pass necessary orders in accordance with law for



dual pension by fixing the pension payable from the third respondent, within a period of four months from the date of receipt of the service particulars of the petitioner's husband.

6. Accordingly, this Writ Petition is allowed. No costs.

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Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

trp

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 Secretary Transport Department,
Government of TamilNadu,
Saint George Fort,
Chennai - 600 009.

2.The Executive Officer,
Tamil Nadu State Transport Corporation Pension Trust,
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