

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2021

CORAM:

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

Writ Petition No.13741 of 2021

N.Kalaiselvi

W/o.Late R.S.Narayanan

.. Petitioner

Versus

1.The State of Tamil Nadu,
represented by its
Secretary,
Transport Department,
Secretariat, Chennai - 600009.

2.Tamil Nadu State Transport Corporation Ltd.,
(Old Name : Dheeran Chinnamalai
Transport Corpn. Ltd.)
Kumbakonam - Division II,
Periyamilaguparai,
Tiruchirappalli - 620 001.

3.The Commissioner,
Employees Provident Fund,
Regional Office,
No.20, Royapettah High Road,
Chennai - 600014.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the first respondent to sanction pension and pay it as the Life Time Arrears of pension to the petitioner with effect from 01.01.1988 to 03.02.2007, the date of death of the petitioner's husband for the service the petitioner's late husband has put in under the first respondent from 08.11.1971 to 01.04.1982 as per G.O.Ms.No.42 Transport (RW) Department dated 27.05.2005 and as per the provisions of the Tamil Nadu Pension Rules construing that the petitioner's late husband has completed the qualifying years of service of 10 years as on 01.04.1982 and consequently to grant family pension to the petitioner by following the judgments in W.A.No.1246 of 2009 dated 18.08.2010 and by following the Government Order in G.O.Ms.No.387 Finance (Pension) Department dated 10.12.2019.

For Petitioner : Mr.V.S.Jagadeesan
For Respondents : Mr.C.Kathiravan
Government Advocate [R1]
Mr.C.S.K.Sathish [R2 & R3]

O R D E R

With the consent of both parties, this matter is taken up for final disposal at the admission stage itself.

2. Though the Writ Petition is filed to issue a positive direction to the first respondent to extend the benefit to the petitioner that was given to the similarly placed persons, learned counsel for the petitioner submits that the petitioner will be satisfied if a direction is issued to the first respondent to consider the petitioner's representations dated 10.06.2016 and 11.01.2021 and pass orders on merits within a time stipulated by this Court.

Having regard to the limited scope of the prayer that is now sought by the petitioner's counsel, without expressing any opinion on the merits of the petitioner's representations, this writ petition is disposed of with a direction to the first respondent to consider the petitioner's representations dated 10.06.2016 and 11.01.2021 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

gm

To

1.The Secretary,
Transport Department,
Secretariat, Chennai - 600009.

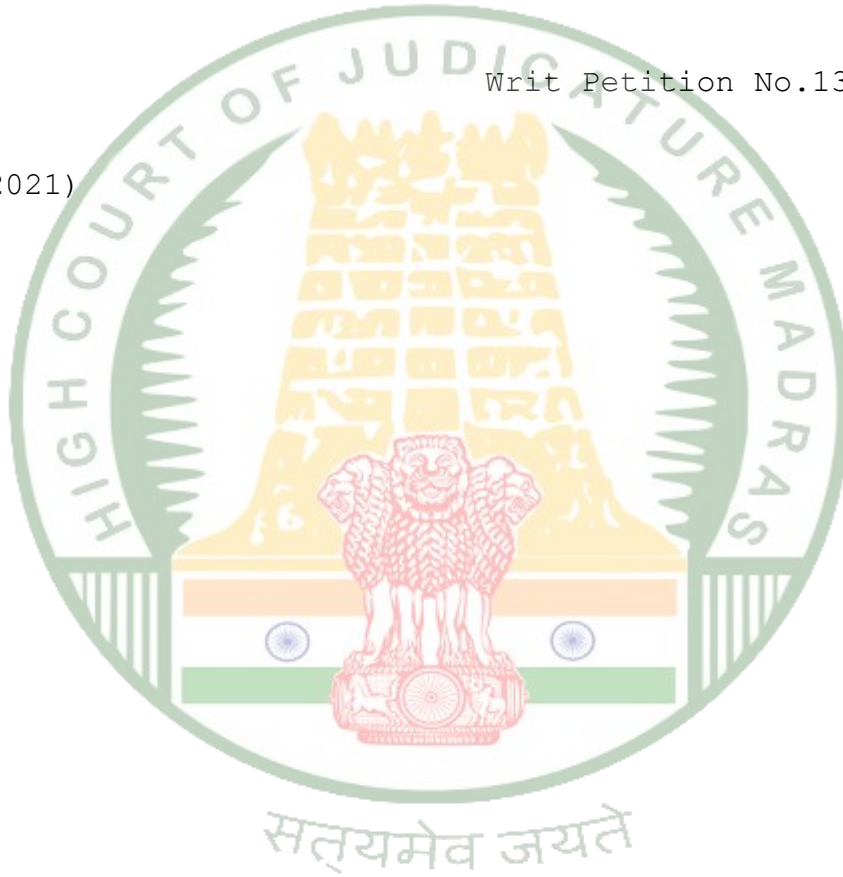
2.The Tamil Nadu State Transport Corporation Ltd.,
(Old Name : Dheeran Chinnamalai
Transport Corpn. Ltd.)
Kumbakonam - Division II,
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Tiruchirappalli - 620 001.

3.The Commissioner,
Employees Provident Fund,
Regional Office,
No.20, Royapettah High Road,
Chennai - 600014.

+1cc to Mr.C.S.K.Sathish, Advocate, S.R.No. 31334
+1cc to Mr.V.S.Jagadeesan, Advocate, S.R.No. 30739
+1cc to Mr.Reshmi Christy, Advocate, S.R.No. 30863
+1cc to the Government Pleader, S.R.No. 31173

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BP (CO)
GN (08/07/2021)



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