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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.23246 of 2021
(Through Video Conferencing)

S.Vidhya

...Petitioner

Vs

1. State Express Transport Corporation Limited,
Represented by its Managing Director,
Thiruvalluvar Illam,
Pallavan Salai, Chennai - 600 002.

2. Tamil Nadu State Transport Corporations
Employees Pension Fund Trust,
Represented by its Administrator,
Thiruvalluvar Illam,
Pallavan Salai, Chennai - 600 002.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay the petitioner the arrears of family pension payable to her for the period from 15.11.2019 to 31.10.2020, after adjusting the pension paid for the period from 15.11.2019 to 31.11.2019, within a specified time as may be fixed by this Hon'ble Court together with interest at the rate of 12% per annum till the amounts are actually paid and also pay the petitioner revised Dearness Allowance and Medical Allowance and revised Family Pension.

For Petitioner : Mr.V.Ajoy Khose

For Respondents:

For R1 : Mr.L.S.M.Hasan Fizal
Government Advocate

For R2 : Mr.C.S.K.Sathish
Standing Counsel

ORDER

Mr.L.S.M.Hasan Fizal, learned Government Advocate takes notice on behalf of the first respondent and Mr.C.S.K.Sathish, learned Standing Counsel takes notice on behalf of the second respondent.



2. It is the case of the petitioner that the petitioner's husband Late Santhanakrishnan retired from services of the first respondent State Express Transport Corporation on 30.11.2017, after rendering 27 years of service as a Conductor.

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3. It is the further case of the petitioner that during his lifetime, the petitioner's husband was also receiving pension. After the death of the petitioner's husband, the respondents delayed in sanctioning and paying pension and that the family pension has been paid only with effect from 01.11.2020.

4. It is the case of the petitioner that for the period between 15.11.2019 to 31.10.2020, the arrears of family pension has not been paid by the respondents. In this connection, the petitioner has sent a representation dated 15.04.2021 to the respondents which has not evoked any positive response from the respondents.

5. Appearing on behalf of the first respondent, the learned Government Advocate submits that the petitioner's representations dated 10.07.2020 and 15.04.2021 will be considered by the respondents within a period of three months from the date of receipt of a copy of this order.

6. Recording the same, this writ petition is disposed by directing the respondents to consider the petitioner's representations and pass appropriate orders within a period of three months from the date of receipt of a copy of this order in accordance with law and on merits.

7. In case the petitioner is entitled to the arrears of pension and family pension, the respondents shall pay the amount together with interest at 4% per annum for the delayed period within the aforesaid period. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rgm/arb

To

1. The Managing Director,
State Express Transport Corporation Limited,
Thiruvalluvar Illam,
Pallavan Salai, Chennai - 600 002.



2. The Administrator,
Tamil Nadu State Transport Corporations
Employees Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai, Chennai - 600 002.

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+1cc to Mr.V.Ajoy Khose, Advocate, S.R.No.56456

+1cc to the Government Pleader, S.R.No.56631

W.P.No.23246 of 2021

NMI (CO)

RGA(17/11/2021)