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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.NO.23611 OF 2021

(THROUGH VIDEO CONFERENCING)

B.Chandra

... Petitioner

Vs

1. The Secretary,
Transport (RW1) Department,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.

2. The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram-II) Limited,
Rangapuram, Vellore - 632 009.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to pay family pension to the petitioner from the date of death of her husband i.e., from 03.07.2011.

For Petitioner	: Mr.S.T.Varadarajalu
For Respondents	:
For R1	: Mr.L.S.M.Hasan Fizal Government Advocate
For R2	: Mr.G.Saravana Kumar Standing Counsel

ORDER

Mr.L.S.M.Hasan Fizal, learned Government Advocate takes notice on behalf of the first respondent and Mr.G.Saravana Kumar, learned standing counsel takes notice on behalf of the second respondent.



2. This writ petition is disposed at the time of admission considering the fact that the petitioner has rushed to the Court without giving any breathing time/giving enough time to the respondents to respond to the petitioner's representation dated 18.09.2021. Though the petitioner could have sent another reminder, the petitioner has approached this Court without awaiting for any response from the respondents.

3. It is the case of the petitioner that the petitioner's husband was a recipient of Government pension after he retired from service on 31.10.1991 and disappeared on 03.07.2011 and therefore the petitioner was constrained to file O.S.No.3488 of 2019, wherein, the petitioner has obtained a Decree to the effect that the petitioner's husband is deemed to have died. In this connection, the learned counsel for the petitioner has filed a copy of the Judgement and Decree dated 18.09.2019 passed by the learned VIII Assistant Civil Judge, Civil Court in O.S.No.3488 of 2019.

4. The learned counsel for the petitioner has also brought attention to the Death Certificate and Legal Heir Certificate obtained by the petitioner pursuant to the order of the Civil Court to the effect that the petitioner's husband is deemed to have died.

5. It is therefore submitted that the petitioner is entitled for family pension, as the petitioner is the sole Legal Heir of her husband G.Balu who was an employee of second respondent Tamil Nadu State Transport Corporation (Villupuram-II) Limited and a recipient of Government pension.

6. Considering the fact that the petitioner's representation requires a fair disposal based on the Judgement and Decree passed by the VIII Assistant Civil Judge in O.S.No.3488 of 2019 dated 18.09.2019, the Death Certificate and Legal Heir Certificate have been procured by the petitioner, this Writ Petition is disposed at the time of admission by directing the second respondent to scrutinize the representation dated 18.09.2021 of the petitioner and pass appropriate orders in accordance with law with a suitable recommendation to the first respondent in case the petitioner is otherwise entitled for family pension.



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7. This exercise shall be carried out by the second respondent within a period of sixteen weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

rgm/arb

To

1. The Secretary,
Transport (RW1) Department,
Government of Tamil Nadu,
Secretariat, Chennai - 600 009.
2. The General Manager,
Tamil Nadu State Transport
Corporation (Villupuram-II) Limited,
Rangapuram, Vellore - 632 009.

+1cc to Mr.S.T.Varadarajalu, Advocate, S.R.No.57312

+1cc to the Government Pleader, S.R.No.57690

W.P.No.23611 of 2021

GPL(CO)
RLP(01/12/2021)