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IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 20.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S. RAMESH

W.P.No.17773 of 2017

K.Nagabhooshanam

...Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by its Secretary,
Transport Department,
Secretariat, Chennai-600 009.
2. The Managing Director,
State Express Transport Corporation,
(Old Name Thiruvallur
Transport Corporation),
Pallavan Salai,
Chennai - 600 002.
3. The Commissioner,
Employees Provident Fund,
Regional Office,
No.20, Royapettah High Road,
Chennai - 600 014.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to grant Family Pension and for payment of arrears of Family Pension to the petitioner from 16.01.2017, the day following the date of the death of the petitioner's husband by following the judgments in W.A.No.1246 of 2009 dated 18.08.2010 and in W.P.No.33975 of 2005 dated 20.09.2011 and in W.P.No.35674 of 2005 dated 20.09.2011 and in W.P.Nos.12840 to 12842 of 2016 dated 05.04.2016.

For Petitioner : Mr.V.S.Jagadeesan

For R1	: Mr.K.V.Sajeev Kumar Government Counsel
For R2	: Mr.K.Kathiresan
For R3	: Mr.T.R.Sundaram



ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

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2. The petitioner herein claims to be the wife of late K.Kamalanathan, who was an employee of the 2nd respondent Corporation. The petitioner herein claims arrears of family pension owing to the death of her husband. The petitioner herein placed reliance on G.O.Ms.No.387 Finance (Pension) Department, dated 10.12.2019 and would submit that the first respondent herein is the proper authority to disburse the pension insofar the second respondent Corporation is concerned.

3. The issue as to whether, the petitioner is entitled for family pension owing to the death of her late husband, requires to be considered by the respondents herein and this Court may not be justified in adjudicating the petitioner's claim by stepping into the shoes of the respondents. Nevertheless, if the petitioner is granted liberty to put forth all his claims and place reliance on Government Orders or other High Court orders, with a consequential direction to the first respondent to consider such a claim, the ends of justice could be secured.

4. In the light of the above observations, the petitioner is granted liberty to make a fresh representation to the first respondent herein ventilating her grievances and on receipt of such a representation, the first respondent shall consider the same, in the light of the G.O.Ms.No.387, Finance (Pension) Department, dated 10.12.2019 and pass necessary orders, within a period of 3 months from the date of receipt of a copy of this order.

5. Accordingly, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

hvk



To

1. The Secretary,
Transport Department,
Secretariat, Chennai-600 009.

2. The Managing Director,
State Express Transport Corporation,
(Old Name Thiruvallur Transport Corporation),
Pallavan Salai,
Chennai - 600 002.

3. The Commissioner,
Employees Provident Fund,
Regional Office,
No.20, Royapettah High Road,
Chennai - 600 014.

+1cc to M/s.K.Kathiresan, Advocate, S.R.No.34620

+1cc to Mr.V.S.Jagadeesan, Advocate, S.R.No.34420

W.P.No.17773 of 2017

NMI (CO)

RGA(13/08/2021)