



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.8443 of 2021

WEB COPY

M.Jothimani

... Petitioner

vs.

1.The General Manager,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Dindigul Region, Bye-Pass Road,
Dindigul.

2.The Assistant Manager,
Tamil Nadu State Transport Corporation
(Madurai) Limited, Bye-Pass Road,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the original impugned order in Ref/PF10/1969, dated 02.02.2021 and quash the same as illegal and further directing the second respondent to sanction the monthly family pension payable to the petitioner within the time contemplated in the provision of law without delay.

For Petitioner : Mr.G.M.Xavier

For Respondents : Mr.J.Senthil Kumariah

ORDER

This Writ Petition is filed seeking a Writ of Certiorarified Mandamus, to quash the impugned order in Ref/PF10/1969, dated 02.02.2021 and directing the second respondent to sanction the monthly Family Pension payable to the petitioner.

2.According to the petitioner, her husband-S.Muthumani was an employee in the first respondent Corporation and retired from service on 31.01.2012. After retirement, he was paid pension and died on 11.09.2020. The petitioner, who is the wife of the deceased employee, applied for family pension enclosing the Legal Heirship Certificate of the deceased and the certificate issued by the Village Administrative Officer to the effect that the petitioner has not re-married, after the death of her husband. The second respondent, relied on the affidavit given by the employee, vide impugned order, dated 02.02.2021, directed the petitioner to obtain Succession Certificate from the competent Court to consider her request for Family Pension. Challenging the same, the petitioner has



come out with the present Writ Petition.

3. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

4. From the impugned order, it is seen that the second respondent has stated the contents of the affidavit submitted by the deceased employee, while he was alive. From the impugned order, it is further seen that the deceased employee has admitted that the petitioner is his wife, but they are living separately for 20 years. He further stated in the affidavit that till his life time, he is entitled to receive pension and after his lifetime, pension may be granted to his legal heirs, as per the Hindu Succession Act. The second respondent has not stated in the impugned order that the deceased employee divorced the petitioner. Hence, the Legal Heirship Certificate produced by the petitioner and the certificate issued by the Village Administrative Officer are valid and legal. It is not the case of the second respondent that the Legal Heirship Certificate produced by the petitioner is not genuine. In view of the above, the impugned order, dated 02.02.2021, passed by the second respondent, is invalid and the same is liable to be set aside.

5. In the result, the impugned order, dated 02.02.2021 passed by the second respondent is set aside and the respondents are directed to consider the request of the petitioner for grant of Family Pension, taking into consideration the Legal Heirship Certificate produced by the petitioner and the certificate issued by the Village Administrative Officer and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps

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 General Manager,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Dindigul Region,
Bye-Pass Road,
Dindigul.

2.The Assistant Manager,
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Bye-Pass Road,
Madurai.

+1 CC to M/s.G.M.XAVIER, Advocate (SR-18010[F] dated 29/04/2021)

W.P (MD) No.8443 of 2021

27.04.2021

RK(12.05.2021) 3P 4C