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W.P.No.2445 of 2021

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 14.12.2022

CORAM:

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.2445 of 2021

K.Raina

.. Petitioner

VS

1. The General Manager

Tamil Nadu State Transport Corporation

(Villupuram-III) Ltd.

Thiruvannamalai Region

Bye Pass Road, Vengikal

Thiruvannamalai - 606 604.

2. The Administrator

Tamil Nadu State Transport Corporation

Employees Pension Fund

Pallavan Salai, Chennai - 600 002.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to pay Family pension, Gratuity, P.F and other terminal benefits to the petitioner for the service rendered by her husband Thiru.Kalimullah Khan.



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For Petitioner : Mr.S.T.Varadarajulu

For Respondents : Ms.S.Pavithra
for respondent 1

Mr.C.S.K.Sathish
for respondent 2

ORDER

This writ petition has been filed for a mandamus seeking for a direction to the respondents to pay family pension, gratuity, P.F and other terminal benefits to the petitioner for the services rendered by her husband Thiru.Karimullah Khan.

2. The case of the petitioner is that the petitioner's husband died and she is entitled to receive family pension. According to her, she is the only legal heir of the deceased Thiru.Karimullah Khan, the employee and therefore, she is alone entitled to receive family pension. However, according to learned Standing Counsel appearing for the first respondent Corporation, in the Service Register of Thiru.Karimullah Khan, apart from the petitioner, the names of his two children are shown as beneficiaries. According to the learned Standing Counsel, the petitioner



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will have to obtain a succession certificate and only thereafter, the respondent Corporation will be able to consider the petitioner's request for family pension.

3. However, learned counsel for the petitioner would submit that as per the legal heirship certificate issued for the deceased Thiru.Karimullah Khan, the petitioner is disclosed as his only legal heir. Therefore, according to him, the family pension will have to be paid to the petitioner alone.

4. Admittedly, the petitioner had earlier given a representation on 09.03.2020 to the respondents, requesting them to grant family pension, gratuity, P.F and other terminal benefits for the services rendered by her husband Thiru.Karimullah Khan, who is now no more. The said representation was not considered by the respondents and only under those circumstances, the petitioner has filed this writ petition. Till date, counter affidavit has not been filed by the respondents. Only if the counter affidavit is filed, the positive directions sought for by the petitioner in this writ petition can be considered. When the counter



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affidavit has not been filed by the respondent Corporation, the only limited relief that can be granted to the petitioner is to direct the respondents to consider the petitioner's representation referred to *supra* seeking for grant of family pension and other terminal benefits as prayed for in this writ petition, on merits and in accordance with law, within a time frame to be fixed by this Court.

5. For the foregoing reasons, this Court, without expressing any opinion on merits of the petitioner's claim, directs the respondents to pass final orders, on merits and in accordance with law, on the petitioner's representation dated 09.03.2020 seeking for grant of family pension, gratuity, P.F and other terminal benefits for the services rendered by her husband Thiru.Karimullah Khan, within a period of twelve weeks from the date of receipt of a copy of this order. The petitioner is permitted to send a copy of all the documentary evidence in support of her contentions that she is alone entitled to receive the family pension for her deceased husband Thiru.Karimullah Khan within a period of one week from the date of receipt of a copy of this order.



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6. With the aforesaid directions, the writ petition is disposed of.

There will be no order as to costs.

14.12.2022

Index:Yes/No

Speaking order/Non-speaking order

drm/sp

To

1.The General Manager
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(Villupuram-III) Ltd.
Thiruvannamalai Region
Bye Pass Road, Vengikal
Thiruvannamalai - 606 604.

2. The Administrator
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ABDUL QUDDHOSE,J.

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