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IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 07.03.2022
CORAM
THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU
W.P. No. 4984 of 2022

K. Chitra

... Petitioner

-vs-

1. The State Express Transport Corporation,
Rep. by its Managing Director,
No. 2, Pallavan Salai,
Chennai - 600 002.

2. Tamil Nadu State Transport Corporation,
Employees' Pension Fund Trust,
Rep. by its Administrator,
No. 2, Pallavan Salai,
Chennai - 600 002.

... Respondents

Prayer:- Writ Petitions filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondents to sanction the Family Pension from February 2022 by revising pension and D.A of the Petitioner's husband Late A.Kanagasabai, Staff No. 4446 and consequently pay the arrears of Family Pension from January 2021 to January 2022 to the Petitioner herein with 6% interest by considering the representations of the Petitioner dated 31.01.2022 and 03.02.2022.

For Petitioner :Mr. D.Soundar Raj

For Respondents :Mr. K.Kathiresan,
Standing Counsel

O R D E R

Heard Mr. D.Soundar Raj, Learned Counsel for the Petitioner and Mr. K.Kathiresan, Learned Standing Counsel, who takes notice for the Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed for directing the Respondents to sanction family pension to the Petitioner from February 2022 by revising pension and dearness allowance payable to the husband of the Petitioner, viz., A.Kanagasabai, from the date of his retirement with interest at the rate of 6% per annum.



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3. Learned Counsel for the Petitioner submits that the Petitioner would be satisfied if orders are passed by the Respondents on representations dated 31.01.2022 and 03.02.2022 in which the Petitioner has made such claim before the filing of the Writ Petition.

4. Having regard to the aforesaid submissions made, this Court without expressing any view on the correctness or entitlement of the claim made by the Petitioner, disposes the Writ Petition on the following terms:-

- (i) it shall be incumbent upon the Respondents to immediately examine the representations dated 31.01.2022 and 03.02.2022 made by the Petitioner;
- (ii) if it is found that any details or supporting documents satisfying the eligibility criteria for the benefits claimed had not been produced, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 15 clear working days in that regard;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner to explain her position in that regard and a reasoned orders shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated under written acknowledgment;
- (iv) if the Petitioner is found entitled to the claim made, the eligible amount of monetary benefits shall be disbursed within a period of 30 days from the date of passing of that order;
- (v) the report of completion of the aforesaid exercise shall be filed before the Registrar (Judicial) of this Court; and
- (vi) there shall be no order as to costs.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

skr
To

1. The Managing Director,
State Express Transport Corporation,
No. 2, Pallavan Salai,
Chennai - 600 002.



2. The Administrator,
Tamil Nadu State Transport Corporation,
Employees' Pension Fund Trust,
No. 2, Pallavan Salai,
Chennai - 600 002.

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Copy to

The Registrar (Judicial),
Madras High Court,
Chennai - 600 104.

+1cc to Mr.D.Soundar Raj, Advocate, S.R.No.15206

+1cc to Mr.K.Kathiresan, Advocate, S.R.No.15277

W.P. No. 4984 of 2022

BP(CO)
KM(04/04/2022)