

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.05.2022

CORAM :

THE HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.NO.12046 OF 2022

M.Eswari

.. Petitioner

Vs

The Managing Director,
Metropolitan Transport Corporation
(Chennai) Limited,
Pallavan House, Anna Salai,
Chennai - 600 002.

.. Respondent

Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the respondent herein to restore the family pension in favour of the petitioner along with disbursement of the arrears of applicable family pension forthwith.

For Petitioner : Mr.R.Sathyamurthy

For Respondent : Mrs.Anitha,
Special Government Pleader

ORDER

According to the petitioner, her husband late K.Mohan was working as a conductor at Anna Nagar Depot with ID No.25016 and he died on 04.03.2018, while he was in service. During his lifetime, he married one S.Rajeswari, however, he got an order of divorce on 01.04.2004 passed in FCOP.No.1820 of 2003 by the Ist Additional Principal Family Judge, Chennai, in which, the first wife of the deceased and her daughter relinquished their rights and also effected no claim certificate whatsoever including maintenance. In view of the same, the petitioner is

the legally wedded wife of the deceased Mohan and through him, she got a male child and they are the only legal heirs of the deceased employee. The petitioner further averred that after the demise of her husband, she was initially paid with family pension of Rs.11,822/- on 03.11.2018 and 10.12.2018. Subsequently, the respondent stopped crediting the family pension to her account from January 2019 to September 2019. Thereafter, without any intimation, the family pension of Rs.11,822/- was reduced to Rs.8,285/- and it was credited in favour of her minor son. When the petitioner enquired about the same through RTI, it was learnt that her marriage had taken place, before the dissolution of marriage of her husband with the first wife on 01.04.2004. Her attempt by making representation to the respondent to get family pension, ended in vain. Therefore, the petitioner has filed this writ petition, seeking a mandamus to the respondent to grant the family pension originally sanctioned, along with arrears, forthwith.

2.It is the submission of the learned counsel for the petitioner that the marriage of the petitioner with her deceased husband K.Mohan was registered by the Sub Registrar, Periamet, Chennai, on 05.06.2014, i.e., much later than the dissolution of the first marriage; without properly verifying the said factum, the respondent abruptly stopped paying the family pension to the petitioner, which caused grave hardship, mental agony and irreparable loss to her; therefore, it is just and necessary to direct the respondent to look into the representation of the petitioner dated 13.04.2022 and grant the family pension originally sanctioned.

3.On the other hand, the learned Special Government Pleader appearing for the respondent, submitted that the respondent would consider the representation of the petitioner and pass appropriate orders, on merits and in accordance with law, within a time frame to be stipulated by this court.

4.Taking into consideration the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court, without going into the merits of the case, directs the respondent to consider the representation made by the petitioner dated 13.04.2022 with regard to payment of family pension along with arrears, and pass necessary orders, on merits and as per law, after affording an opportunity of hearing to the petitioner as well as any other interested parties, within a period of six weeks from the date of receipt of a copy of this order, and communicate the decision to the petitioner.

5.With the above direction, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

hvk

To

The Managing Director,
Metropolitan Transport Corporation
(Chennai) Limited,
Pallavan House, Anna Salai,
Chennai - 600 002.

+2ccs to Mr.R.Sathyamurthy, Petitioner, Advocate, S.R.No.31232

W.P.No.12046 of 2022

NR(CO)
RLP(18/05/2022)