



W.P(MD)No.21052 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.10.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.21052 of 2022

J.Alice Jansi Rani

... Petitioner

Vs

- 1.The Managing Director,
Tamil Nadu State Express Transport Corporation,
Chennai – 2.
- 2.The Employees Pensionary Officer,
Tamil Nadu State Transport Corporation Employees,
Pensionary Department,
Pallavan Salai,
Chennai – 2.
- 3.The Branch Manager,
Tamil Nadu State Express Transport Corporation,
Trichy Branch,
Trichy.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to sanction the arrears of family pension with belated payment of interest based on the petitioner's representation, dated 29.06.2022.



W.P(MD)No.21052 of 2022

For Petitioner : Mr.P.Edin Brough

For Respondents : Mr.S.C.Herold Singh
Standing Counsel

ORDER

Heard the learned counsel on either side.

2. The petitioner's husband worked as Driver in the respondent Corporation. He retired on 30.06.2011. He passed away on 11.01.2013. Even during his life time, their marital relationship came under strain. The petitioner had filed M.C.No.19 of 2011 before the Additional Chief Judicial Magistrate Court, Madurai. Be that as it may, the marriage was not dissolved in the manner known to law. Therefore, the petitioner is very much the legal heir of her husband. A daughter was also born through the wedlock. The petitioner undertakes to get No Objection Certificate from her daughter. The petitioner's grievance is that the pension arrears have not been disbursed. With that prayer, the present writ petition has been filed.

3. When the matter was taken up for hearing, the learned Standing Counsel submitted that a sum of Rs.5,37,191/- was due to be paid to the petitioner and that a sum of Rs.2,00,000/- was paid on 16.09.2022 as first installment. The second installment will be paid in third week of October 2022 and the third installment will be paid in the third week of November 2022.



W.P(MD)No.21052 of 2022

4. The learned counsel appearing for the petitioner has some dispute regarding the quantum. The petitioner is permitted to submit her calculation memo before the first respondent. It can be sent through Registered Post (RPAD). A copy of the same can also be served on the learned Standing Counsel appearing for the respondents. The first respondent will take into account the calculation memo to be filed by the petitioner. It is needless to say that for the belated payment, the petitioner is entitled to 6% interest also.

5. Recording the submission of the learned Standing Counsel appearing for the respondents that the balance amount shall be paid by third week of November 2022, this writ petition is disposed of with the aforesaid direction. No costs.

18.10.2022

Index : Yes / No
Internet : Yes/ No
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To

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W.P(MD)No.21052 of 2022

G.R.SWAMINATHAN, J.

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3.The Branch Manager,
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W.P(MD)No.21052 of 2022

18.10.2022