



W.P.(MD)No.9934 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.06.2022

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THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.(MD)No.9934 of 2015

and

M.P.(MD)No.1 of 2015

K.Appammal

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented by its Principal Secretary to Government and
Chairman of Transport Corporation,
Fort St.George,
Chennai - 600 009.

2. The State Express Transport Corporation Limited,
Represented by its Managing Director,
Thiruvalluvar House,
Pallavan Salai,
Chennai - 600 002.

3. The Tamil Nadu State Transport Corporation,
Employees Pension Fund Trust,
Represented by its Administrator,
Thiruvalluvar House,
Pallavan Salai,
Chennai - 600 002.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for records pertaining to the impugned order passed by the third respondent in Letter No.44/B2/Tha.Aa.Po.Ka.Vu.O.Ni.Po/2015-1270 dated 29.01.2015, quash the same and consequently direct the respondents forthwith to pay family pension to the petitioner under the provisions of Tamil Nadu State Transport Corporation Employees Pension Fund Rules from the date of death of the petitioner's husband without reference to Military family pension being received by the petitioner with arrears together with reasonable rate of interest and to award costs.

For Petitioner : Mr.A.K.Thangavelu
For Respondents : Mr.J.John Rajadurai
Government Advocate for R1
Mr.K.Sathiyasingh for R2 and R3

O R D E R

The impugned order passed by the third respondent in Letter No.44/B2/Tha.Aa.Po.Ka.Vu.O.Ni.Po/2015-1270 dated 29.01.2015 is under challenge in the present Writ Petition.



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2. When the matter was taken up for hearing on 20.06.2022, it was represented by the learned counsel for the respondents 2 and 3 that the petitioner has been paid the family pension by the Corporation, but only the arrears is not paid. The learned counsel for the petitioner has also conceded that the petitioner is being paid family pension by the Corporation, but arrears has not been paid so far.

3. The learned counsel for the respondents 2 and 3 brought to the notice of this Court that the Government Order in G.O.(MS).No.493, Transport (E) Department, dated 13.12.2017, deals with sanction of family pension for the families of the deceased Ex-Servicemen, who have served in the State Transport Undertakings.

4. It is pertinent to note paragraph No.4 of the said Government Order, which reads as under:

"4. After careful examination, the Government has decided to sanction family pension for the families of the deceased Ex-Servicemen who have served in the State



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Transport Undertakings, and earned a pension out of the re-employment prior to 01.04.2003 (i.e.,) before introduction of Contribution Pension Scheme, in addition to Military Family Pension already drawn by them, on the basis of guidelines issued in the G.O. 2nd cited, subject to conditions that the entire expenditure will borne by Tamil Nadu State Transport Corporation Employees Pension Fund Trust without seeking financial assistance from Government in any form."

5. As per the Government Order, double Family Pension, i.e., Military Family Pension and Civil Family Pension for the families of the retired military persons, who had served in State Transport Undertakings, can be ordered as per their entitlement. This Government Order has come into force on 13.12.2017.

6. In view of the said Government Order, this Court directs the respondents to pay family pension to the petitioner without reference to Military Family Pension being paid to her with arrears from 13.12.2017 within a period of eight weeks from the date of receipt of a copy of this order.



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7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

22.06.2022

Index : Yes / No

Speaking Order : Yes / No

vji

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2. The Managing Director,
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