



WEB COPY



W.P.(MD)No.5962 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.11.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.5962 of 2017

and

W.M.P.(MD)No.4710 of 2017

K.Chandra

... Petitioner

VS.

1.The Managing Director,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Kumbakonam.

2.The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Limited,
Kumbakonam Region,
Kumbakonam.

3.The Administrator,
Tamil Nadu State Transport Corporation,
Pension Fund Trust,
Thiruvalluvar Illam,
Pallavan Salai, Chennai-600 002.

... Respondents



W.P.(MD)No.5962 of 2017

WEB COPY

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to 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 defence family pension being received by the petitioner, with arrears together with reasonable rate of interest and to award costs.

For Petitioner	: Mr.A.Rahul
For R1 and 2	: Mr.D.Sivaraman
For R3	: Mr.A.P.Muthu Pandian

ORDER

This writ petition is filed for issuance of writ of Mandamus, to 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 defence family pension being received by the petitioner, with arrears together with reasonable rate of interest and to award costs.



W.P.(MD)No.5962 of 2017

WEB COPY

2. The brief facts of the case are that the petitioner's husband was serving in Indian Army. After his retirement, he joined as fresh entrant with effect 1978. He has served in respondent Corporation and promoted as Senior Security Guard. He attained superannuation and retired on 31.05.1999. From the post of Senior Security Guard, the petitioner's husband had received pension from the Indian Army as well as for the service rendered in the respondent Corporation. The petitioner's husband died on 25.06.2016. After the demise of the petitioner's husband, the respondents stopped the pension that was being received by the deceased employee. Aggrieved over the same, the petitioner submitted representations seeking to pay family pension in terms of the rules.

3. Pending this writ petition, the Government of Tamil Nadu has considered the cases of the ex-servicemen who served in other civil service and passed G.O.Ms.No.290, Public (Ex-Servicemen) Department, dated 05.04.2017, wherein it has been stated that the family of the deceased ex-serviceman is entitled to family pension from civil service also. However, the date of effect was given as



W.P.(MD)No.5962 of 2017

WEB COPY

02.09.2016. Therefore, this Court is of the considered opinion that the petitioner is entitled to family pension.

4. The petitioner contended that the respondents have not included the dearness allowance component in the family pension. The learned Counsels for the respondents submitted that the issue of including dearness allowance for the second service was considered by the Honourable Division Bench, wherein the claim was declined and held the dearness allowance component for the second pension cannot be included. Hence the petitioner is not entitled to dearness allowance for the second pension.

5. The respondents shall transfer the amount that is eligible for the petitioner and thereafter, the respondents shall disburse the family pension. It is clarified that the petitioner is entitled to arrears also from the applicable date without interest. The respondents shall implement this order within a period of 8 weeks from the date of receipt of a copy of this order.



W.P.(MD)No.5962 of 2017

WEB COPY

6. With the above said observation, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes

16.11.2022

Tmg



WEB COPY



W.P.(MD)No.5962 of 2017

S.SRIMATHY, J

Tmg

W.P.(MD)No.5962 of 2017

16.11.2022