



W.P.(MD)No.22761 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2022

CORAM

THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P.(MD)No.22761 of 2016

A.Sofia Edward Kutty

... Petitioner

vs.

1.The Managing Director,
Tamil Nadu State Transport Corporation,
Madurai Limited, Madurai.

2.The General Manager,
Tamil Nadu State Transport Corporation,
Madurai Limited, Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent's order, dated 16.09.2014 and to quash the same as illegal and arbitrary and further, to direct the respondents to provide full family pension to the petitioner by taking into account the entire length of 33 years of service in the respondent's corporation and also to provide all other monetary benefits including the arrears of pension as per the relevant provisions of The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation)



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Act, 1995, with 18% interest per annum at once.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr.A.Jeyaram

ORDER

This writ petition is filed by the wife of the deceased employee namely,
Edward Kutty

2.The petitioner's husband joined the respondent Corporation on 30.08.1973 and rendered service until 1997. He was medically discharged and thereafter, again he was re-employed in the year 1998 and rendered service until superannuation, ie., 30.06.2008. The contention of the petitioner is that she is receiving family pension for the period from 1998 to 2008 alone. But, the respondent Corporation has not included the service rendered from 1993 to 1997 and are not disbursing pension to that period.

3.The contention of the respondents is that the deceased employee had received the entire amount while he was alive. The respondent Corporation



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submitted that the amount would be deducted from the employee and the same would be deposited in the Pension Trust. Thereafter, the Pension Trust will disburse the pension monthly. In this case, since the deceased employee has received the entire amount, the respondents have denied the pension to the petitioner. Therefore, this Court is inclined to pass the following order.

4.If the petitioner is inclined to receive the pension, the petitioner is directed to deposit the principal amount without interest. Thereafter, the respondents shall deposit the amount to the Pension Trust and the Pension Trust shall give pension. This option is granted to the petitioner if she is inclined to exercise this option, the petitioner is at liberty to do it.

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

Index : Yes / No
Internet : Yes
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