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W.P. No. 7840 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2023

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 7840 of 2023

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... Petitioner

-VS-

1. The Chairman,
Chennai Port Trust,
Rajaji Salai,
Chennai – 600001.

2. The Administrative Officer,
Pension Department,
Chennai Port Trust,
Rajaji Salai,
Chennai – 600001.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First and Second Respondents to consider the Petitioner's representation dated 05.11.2022 and pass orders in accordance with law and grant the Family Pension of the Petitioner's deceased husband Late Mr.Arputhamani from the date of his death to the Petitioner within the time to be stipulated by this Court.

For Petitioner : Mr. K.Chandru

For Respondents : Mr. Niranjan Rajagopalan,
Standing Counsel



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ORDER

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Heard Mr. K.Chandru, Learned Counsel for the Petitioner and Mrs. Niranjana Rajagopalan, Learned Standing Counsel takes notice for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The husband of the Petitioner viz., Arputhamani, retired from the services of the First Respondent viz., Chennai Port Trust, and he was receiving pension by Pension Payment Order No. 13753. The grievance ventilated by the Petitioner is that she had made representation dated 05.11.2022 to the Respondent for payment of family pension after the death of her husband, but as it did not evoke any response, she has filed this Writ Petition.

3. Having regard to the limited scope of the relief sought in the Writ Petition, this Court without expressing any view on the merits of the controversy, passes the following order:-

- (i) the concerned authority shall immediately examine the representation dated 05.11.2022 made by the Petitioner including ascertaining as to whether the Petitioner would be entitled for the relief claimed;



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(ii) if it is found that any other details or supporting documents is necessary,

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the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 15 days for the same;

(iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and all other persons concerned to explain her position in that regard;

(iv) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated by 30.06.2023 under written acknowledgment;

(v) if the Petitioner is found entitled to any family pension as claimed, it shall be ensured that the eligible amount of arrears of pension is paid along with working-sheet showing its calculation within a period of three months from the date of passing of that order apart from monthly pension for future months on the due dates; and

(vi) the report of such compliance shall be filed before the Registrar (Judicial) of this Court.



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4. In the result, the Writ Petition is disposed on the aforesaid terms.

No costs.

15.03.2023

Sgl

Index: Yes/No

Neutral Citation: Yes/No

Note: Issue order copy by 26.05.2023.

To

1. The Chairman,
Chennai Port Trust,
Rajaji Salai,
Chennai – 600001.
2. The Administrative Officer,
Pension Department,
Chennai Port Trust,
Rajaji Salai,
Chennai – 600001.

Copy to

The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.



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P.D. AUDIKESAVALU, J.

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