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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2023

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.2681 of 2020

S.Glory

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary,
Transport Department,
Secretariat, Chennai 600 009.

2.Metropolitan Transport Corporation (Chennai) Ltd.,
(Old Pallavan Transport Corporation Ltd)
Rep. by its Managing Director,
Pallavan Salai, Chennai 600 002.

3.The Financial Adviser and Chief Accounts Officer,
Metropolitan Transport Corporation (Chennai) Ltd.,
Pallavan Salai, Chennai 600 002.

... Respondents

PRAYER : This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus, to call for the records in letter No.14007/PBSC/MTC/2015 dated 06.08.2015 on the file of the third respondent and quash the same and direct the first respondent to grant family pension and for payment of arrears of family pension to the petitioner from 23.12.2012 the date following the date of death of the petitioner's father by following the Government Orders in G.O.Ms.No.325, Finance (Pension) Department, dated 28.11.2011 and



G.O.Ms.No.165, Finance (Pension) Department dated 21.05.2012 and
G.O.Ms.No.387, Finance (Pension) Department dated 10.12.2019.

For Petitioner : Mr.V.S.Jagadeesan
For Respondents : Mr.P.Sanjai Gandhi, GA for R1
Mr.R.Balaji, Standing Counsel for R2 & R3

ORDER

This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus, to call for the records in letter No.14007/PBSC/MTC/2015 dated 06.08.2015 on the file of the third respondent and quash the same and direct the first respondent to grant family pension and payment of arrears of family pension to the petitioner from 23.12.2012 the date following the date of death of the petitioner's father by following the Government Orders in G.O.Ms.No.325, Finance (Pension) Department, dated 28.11.2011 and G.O.Ms.No.165, Finance (Pension) Department dated 21.05.2012 and G.O.Ms.No.387, Finance (Pension) Department dated 10.12.2019.

2. Heard Mr.V.S.Jagadeesan, learned counsel for the petitioner, Mr.P.Sanjai Gandhi, learned Government Advocate for R1 and Mr.R.Balaji, learned Standing Counsel for R2 & R3.



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3. The petitioner who is the unmarried daughter of the deceased Government Servant A.S.Muthu had applied for family pension, but that has been rejected by the impugned order dated 06.08.2015 by citing the reason that the petitioner does not come under the purview of the family pension scheme. In the impugned order dated 06.08.2015, the third respondent has stated that as per the condition stipulated under para 7(a) of G.O.Ms.No.110 dated 06.06.2002, the petitioner is not entitled to family pension.

4. The learned counsel for the petitioner submitted that the exclusion contemplated under para 7(a) of G.O.Ms.No.110 dated 06.06.2002 is not applicable to the case of the petitioner because by virtue of the earlier G.O.Ms.No.189 dated 13.08.2004, the family pension for the dependance like the petitioner has been approved and orders have been issued by the first respondent Government. However in G.O.Ms.No.42, Transport (RW) Department dated 27.05.2005 also, the above Government Order is said to be applicable to those persons who had put on 10 years of service as on 01.04.1982. Only because the petitioner's father is eligible to get pension, he was given with pension



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during his life time. The Government has reasserted by issuing yet another Government Order in G.O.Ms.No.325, Finance (Pension) Department dated 28.11.2011. In this regard it is pertinent to mention that the second respondent Transport Corporation has also admitted the claim of the petitioner. In fact by considering the fair submission of the second respondent, the Government had sent the matter for the advisory department. However, the similarly placed persons have already been given with family pension vide order dated 05.09.2018 issued by the Transport (TBC) Department vide letter No.14839/Tpt/TBC-7/2016.

5. In view of the above submission, there is no difficulty in considering the petitioner's claim also in the light of the earlier such orders of the Court and also by considering the earlier Government Order. Hence the petitioner can be given with liberty to give a fresh representation to the first respondent and on receipt of the same, the first respondent can consider the same in the light of the above observations and pass appropriate orders.



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6. With the above observations, this Writ Petition is disposed and the petitioner is directed to give a fresh representation to the first respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the first respondent is directed to consider the said representation in the light of the above observations and pass appropriate orders within a period of six weeks thereafter. No costs.

14.12.2023

Index : Yes

Internet : Yes/No

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R.N.MANJULA, J.

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To

1.The Secretary,
Transport Department,
Secretariat, Chennai 600 009.

2.The Managing Director,
Metropolitan Transport Corporation (Chennai) Ltd.,
(Old Pallavan Transport Corporation Ltd)
Pallavan Salai,
Chennai 600 002.

W.P.No.2681 of 2020

3.The Financial Adviser and Chief Accounts Officer,
Metropolitan Transport Corporation (Chennai) Ltd.,
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