



W.P.No.17208 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

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.. Petitioner

Versus

1.The General Manager,
Tamil Nadu State Transport
Corporation Ltd., (TNSTC),
12, Ramakrishna Road,
Salem – 636 007.

2.The Branch Manager,
Tamil Nadu State Transport
Corporation Ltd.,
Gowthampet, Thirupathur,
Thirupathur District.

3.Valarmathi
4.Jainthi
5.Sathiya
6.M.Mumaran

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to dispose the petitioner's representation dated 06.02.2023 for the grant of Family pension



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to the petitioner on the death of the petitioner's husband namely G.Manickam, a former Bus Conductor, Tamil Nadu State Transport Corporation Ltd., (TNSTC).

For Petitioner : Mr.R.Sreedharan

For Respondents

For R1 & R2 : Mr.K.Raja

For R4 : No appearance

For R3, R5 & R6 : Service awaited

ORDER

This writ petition has been filed to direct the respondents to dispose the petitioner's representation dated 06.02.2023 for grant of family pension to the petitioner on the death of the her husband namely G.Manickam, a former Bus Conductor, Tamil Nadu State Transport Corporation Ltd., (TNSTC).

2. The grievance of the writ petitioner is that the husband of the writ petitioner was working as Conductor in Tamil Nadu State Transport Corporation Limited and he retired from service on 31.01.2014. Thereafter, he died on 28.06.2021. Hence, the petitioner, being the second wife of the



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deceased made a representation on 06.02.2023 to the respondent – Transport Corporation for grant of family pension and the same has not been considered. Hence, the writ petition.

3. It is the contention of the learned counsel for the petitioner that though the petitioner is the second wife of the deceased, their marriage was solemnized after the death of the first wife of the deceased. Rule 49(7) of the Tamil Nadu Pension Rules, 1978, permits the second wife to claim the family benefits if the second marriage solemnized as per the customary rights. Hence, the contention of the writ petitioner has to be considered.

4. In such view of the limited relief sought for in this writ petition, the respondent-Corporation is directed to consider the representation of the petitioner dated 06.02.2023 and pass orders on its own merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.



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5. With the above direction, the writ petition stands disposed of. There

shall be no order as to costs.

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Index : Yes / No

Speaking Order : Yes / No

To

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N.SATHISH KUMAR, J.

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