



W.P.No.20028 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13..07..2023

Coram

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

Writ Petition No.20028 of 2023

Tmt.N.Pushpa

..... Petitioner

-Versus-

- 1.Government of Tamil Nadu,
Rep. by its Principal Secretary,
Transport Department,
Fort St. George,
Chennai 600009.
- 2.The Managing Director,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Railway Station Road,
Kumbakonam.
- 3.The General Manager,
Tamil Nadu State Transport Corporation
(Kumbakonam) Ltd.,
Trichy Region,
Periya Milagu Parai, Trichy.
- 4.The Regional Provident Fund Commissioner,
Trichy.

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Mandamus directing the 4th respondent to stop the family pension sanctioned and being paid to the petitioner under the Employees'



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Pension Scheme, 1995 and to direct the 1st respondent to sanction and pay the petitioner the family pension under the Tamil Nadu Pension Rules, 1978 from the date of death of petitioner's husband that is from 09.01.2021 with arrears and other consequential benefits as revised from time to time, within a stipulated time to be fixed by this court and for costs.

For Petitioner : *Ms.V.Porkodi*

For Respondents : *Mr.P.Baladhandayutham,*
Spl. Government Pleader
for R1

ORDER

This writ petition has been filed seeking a writ in the nature of mandamus directing the 4th respondent to stop the family pension sanctioned and being paid to the petitioner under the Employees' Pension Scheme, 1995 and to direct the 1st respondent to sanction and pay the family pension to the petitioner under the Tamil Nadu Pension Rules, 1978 from the date of death of her husband with arrears and other consequential benefits as revised from time to time.

2. The learned Special Government Pleader, on instructions, submitted it is for the respondents 3 and 4, who are the competent authority, to consider the request of the petitioner.



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3. The learned counsel for the petitioner submitted that if that be so, she would request the petitioner to make a fresh representation to the respondents 3 and 4 immediately.

4. In the light of the above, the writ petition is disposed of with a direction to the petitioner to submit a fresh representation to the respondents 3 and 4 seeking family pension under the Tamil Nadu Pension Rules instead of the family pension granted under the Employees' Pension Scheme, 1995 within a period of two weeks from the date of receipt of a copy of this order and on receipt of such representation, the respondents 3 and 4 shall consider the same on its own merits and in accordance with law and pass appropriate orders thereof within a period of eight weeks from the date of receipt of a copy of this order. No costs.

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Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
kmk



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To

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2. The Managing Director,
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(Kumbakonam) Ltd.,
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N.SATHISH KUMAR.J.,

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